

30.11.2023.
46.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4211 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nanoor P.S. Case No.150 of 2021 dated 27.08.2021 under Sections 498A/302 of the Indian Penal Code.

In the matter of : **Sk. Hanif.**

.... Petitioner.

Ms. Minoti Gomes,
Mr. Asfak Ahammed.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Subrato Roy.

...for the State.

1. Petitioner submits he was injured. In retaliation he struck his wife. Unfortunately she died. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner inflicted injuries on his own person.
3. We have considered the materials on record. Petitioner as well as the victim suffered stab injuries. Whether the injuries on the petitioner were self-inflicted or not is unclear.
4. Under such circumstances, it cannot be ruled out that the petitioner may have acted in exercise of his right to private defence. There is no chance of abscondence. Petitioner has suffered incarceration for a considerable period of time and he has strong roots in society.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Sk. Hanif** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to

the satisfaction of the learned Additional Chief Judicial Magistrate, Birbhum, Bolpur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)