

26.08.19
Sl. No.13
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 725 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.08.2019 in connection with Falakata Police Station Case No. 362 of 2019 dated 15.07.2019 under Sections 302/379/120B/34 of the Indian Penal Code. (G.R. Case No.1303 of 2019)

And

In Re: **Hiralal Roy @ Barman**

... .. Petitioner

Mr. Sourav Ganguly .. Advocate

... .. for the petitioner

Mr. Nilay Chakrabroty .. Sr. Govt. Advocate

Mr. Sanjeev Das .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 302/379/120B/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that there was a love affair between the deceased and his minor daughter. As he protested to such relationship in view of the age of his daughter, the deceased consumed poison and died. It is further submitted that he is in custody for about 41 days.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner had poured poison into the mouth of the deceased and he accordingly, died due to poisoning.

We have considered the materials on record including the history of the case as noted in the medical papers at page 45 of the

case diary which speaks of suicidal ingestion of poison. Having considered the facts and circumstances of the case, we are of the opinion that it is a matter to be decided at the appropriate stage of the proceeding whether the ingestion of poison by the deceased was homicidal or suicidal. However, keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Hiralal Roy @ Barman***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar subject to condition that the said petitioner 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 and on further condition that he shall meet the Investigating Officer once in a week until further orders .

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)