

30.08.19
Sl. No.5
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

C. R. M. 822 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2019 in connection with Nagrakata Police Station Case No. 15 of 2019 dated 24.02.2019 under Sections 302/201 of the Indian Penal Code.

And

In Re: ***Proloy Mitra***

... .. Petitioner

Mr. Aman Kumar Gautam .. Advocate

... .. for the petitioner

Mr. Arun Kumar Sarkar .. Advocate

Mr. Abhijit Sarkar .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 302/201 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for over 171 days and that investigation is complete.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner was the estranged lover of the deceased and had threatened to do away with her life on a number of times. He further submits that weapon of offence was recovered pursuant to the leading statement of the petitioner.

We have considered the materials on record. Although there are statements with regard to threats held out by the petitioner against the deceased, there is no material to show that the petitioner was last seen with the deceased immediately prior to the occurrence. There is

no forensic examination of the wooden rod allegedly recovered in the course of investigation. In view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Proloy Mitra***, 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 Chief Judicial Magistrate, Jalpaiguri 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.

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.)