

30.08.19

Sl. No.9

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 830 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.08.2019 in connection with Mathabhanga Police Station Case No. 150 of 2019 dated 14.04.2019 under Sections 302/201 of the Indian Penal Code. (G.R. Case No.308 of 2019)

And

In Re: ***Paresh Sarkar***

... .. Petitioner

Mr. Hillol Sahar Podder .. Advocate

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. S. S. Sikdar .. 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 about 143 days and that co-accused namely, Prasanta Mandal @ Pa Mochha has been enlarged on regular bail.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner was the husband of the deceased and weapon of offence was recovered pursuant to his leading statement.

We have considered the materials on record. We find that the case is based on circumstantial evidence. Forensic report with regard to the knife and the so-called blood stains allegedly seized in the course of investigation have not been collected as yet. In view of the facts and circumstances of the case and the protracted 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 ***Paresh Sarkar***, 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, Mathabhanga, Cooch Behar 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.)