

11.11.2019
SI No.1
KB/GSD

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM 848 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30th August, 2019 in connection with Cooch Behar Kotwali P.S. Case No. 260 of 2019 dated 1.5.2019 under Section 302 of the Indian Penal Code and corresponding to G.R. Case No. 434 of 2019.

And

In Re: Adesh Debnath

... ... Petitioner

Mr. Sudip Guha

... for the petitioner.

Ms. Aditi Shankar Chakraborty

Mr. Aniruddha Biswas

... ... for the State.

Learned Counsel for the petitioner submits that the petitioner is in custody for about 190 days and a charge sheet has already been submitted in this case. The prosecution is based mainly on last seen together evidence and nothing incriminating has been seized from the present petitioner.

Learned Counsel for the State submits that according to the statement of witnesses recorded under Section 161 of the Code, the petitioner was last seen together with the victim in the evening of the previous night and on the next morning his dead body was found lying on a road.

Considering the materials on record, the fact that the charge sheet has already been submitted and the length of custody of the present petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar and on the conditions that the petitioner shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever and he shall appear before the trial on every date of hearing.

In the event of violation of any of the conditions, the trial court will be at liberty to cancel the bail without reference to this Court.

The application for bail is allowed, subject to the conditions stated above.

The application for bail being CRM 848 of 2019 is disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)