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20-10-2020

Court 12

Allowed

C.R.M. 8090 of 2020

(Via Video Conference)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 155 of 2020 dated 31.03.2020 under Sections 306/506/34 of the Indian Penal Code.

Sudip Ghosh
Versus
State of West Bengal

Mr. Kushal Kumar Mukherjee, Adv.

...for the petitioners.

Mr. Saibal Bapuli, Adv.

Ms. Sayanti Santra, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The learned Counsel for the petitioner submits that the petitioner was in love relationship with the victim and he has been falsely implicated by the family members of the victim.

Learned Counsel for the State, however, opposes the prayer for bail. It is submitted that the materials on record would suggest that the petitioner promised to marry her but thereafter deserted her.

Having considered the materials on record, post-mortem report and the materials against the petitioner and having regard to the fact that the petitioner is in custody for almost four months and the charge-sheet has already been filed, we are inclined to release the petitioner on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties

of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia, subject to condition that the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall comply with the conditions as laid down under Section 437(3) of the Cr.P.C.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The CFSL, Kolkata, is directed to supply the FSL report to the investigating officer positively within a period of four weeks from the date of communication of this order, if not supplied. Upon receipt of the said report, the prosecution shall immediately approach the trial court with the said report and the trial court is directed to initiate the process of framing of charges and take the said proceeding to its logical conclusion as expeditiously as possible.

The application for bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)