

08.01.2021
Item no.32
Ct.5
CHC
Allowed

C.R.M. No.140 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 670 of 2020 dated 10.08.2018 under Section 305 of the Indian Penal Code.

And

In the matter of:-

Biswajit Ghosh

... Petitioner

Mr. K. Bagchi,
Mr. Arup Sarkar

.. for the petitioner

Md. Anwar Hossain,
Ms. Sreyashee Biswas

..for the State

This relates to prayer for bail.

Learned advocate Mr. Bagchi, for the petitioner renews the prayer for bail after it was rejected on 1st December, 2020 in connection with CRM 9543 of 2020 for a change in circumstances that even after rejection on last date the trial has not yet been commenced, which according to perception of the petitioner is thus within the meaning of change in the circumstances.

Learned Additional Public Prosecutor, Ms. Biswas raises strong objection against the prayer for bail submitting that the victim had to commit suicide, when the victim discovered the bad behaviour of the petitioner/accused. The prayer for bail is resisted taking the ground of suicidal note left behind by the victim which is submitted to have been matched with the specimen handwriting of the petitioner accused. The petitioner is in custody for 113 days.

Having considered the materials already collected in the C.D. in context with the submission of both sides and bearing in mind that the victim committed suicide in consequence of her emotional outburst in a case of love affairs having been frustrated ultimately and the period of detention already undergone by the petitioner/accused, we are persuaded to grant bail to the petitioner.

Accordingly, petitioner (Biswajit Ghosh) may find bail of Rs.10,000/-(Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local subject to the satisfaction of Learned Additional Chief Judicial Magistrate, Chanchal, Malda and on condition that petitioner shall ensure his presence on each date of hearing and will not intimidate the witnesses in any manner whatsoever and further will not tamper the evidence already collected until further order.

This Court makes it clear that in the event of making any departure as regards making observance of the conditions of bail,

the trial court shall be free to go for cancellation of the bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 140 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)