

03.03.2021
Item No.15
Ct.No.28
Subha
Allowed

C.R.M. 480 of 2021
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : **Durgaprasad Tewari.** ... Petitioner.

Mr. Sekhar Basu, Sr. Advocate
Mr. Arindam Jana
Mr. Sumanta Das

... For the Petitioner.

Mr. Madhusudan Sur, ld. APP,
Mr. Manoranjan Mahata

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Krishnanagar-Kotwali P.S. Case No. 652 of 2020 dated 6th September, 2020 under Sections 302/379/120B/34 of the Indian Penal Code.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. From the complaint it would appear that the petitioner was not present at the place of occurrence on 6th September, 2020. Upon completion of investigation, charge-sheet has also been submitted and as such, further detention of the

present petitioner, who is in custody for about 179 days, is not necessary.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the son and wife of the deceased, as recorded under Section 164 of the Code.

We have perused the materials in the case diary, the statements of the witnesses and of the son and wife of the deceased, wherefrom, *prima facie*, it appears that no overt act has been attributed to the petitioner.

Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case. As such, the petitioner's prayer allowed.

Accordingly, the present petitioner namely, **Durgaprasad Tewari** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount, one of whom must be local, to the satisfaction of Chief Judicial Magistrate, Krishnanagar, Nadia and the petitioner shall meet with the Officer-in-Charge of the Krishnanagar-Kotwali Police Station once a week on and from 10th March, 2021, until further orders.

While on bail, the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application being CRM 480 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)