

02.09.2021
Item no. 34
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2990 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Chhatna Police Station Case No. 65 of 2020 dated 07.11.2020 under Sections 302 of the Indian Penal Code.

And

In the matter of : Swapan Mal.

.....Petitioner.

Mr. Somnath Banerjee, Advocate,
Mr. Pradeep Bera, Advocate,

.....for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Bibaswan Bhattacharya, Advocate,

.....for the State.

The allegation is that the victim went with the petitioner to a jungle to cut and collect branches of trees. Then the victim went missing. The dead body of the victim was recovered after a month. The incident was on October 9, 2020. The written complaint was filed on November 7, 2020.

We have considered the statements of witnesses recorded under Sections 164/161 of the Criminal Procedure Code including statements of neighbours. There are no eyewitnesses. The entire case is based on circumstantial evidence. We also find that when the husband and the son

of the victim went into the jungle to search for the victim, the petitioner accompanied them.

The petitioner is in custody for 323 days. Chargesheet has been submitted.

On an overall consideration of the material on record and the possible degree of complicity of the petitioner in the alleged offence, we are of the view that the petitioner may be enlarged on bail but on stringent conditions.

Accordingly, we direct that the petitioner namely **Swapan Mal** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Bankura and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)