

06.12.2021

Court No.32

rpan / **49**

C.R.M. 7575 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re. : **Sudip Ghosh @ Chunu**

– Petitioner

Mr. Ranadeb Sengupta,

Mr. Sachit Talukdar

... for the Petitioner.

Mr. Bidyut Kumar,

Ms. Benazir Hasna

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Taldangra P.S. Case No. 54 of 2021 dated 30.06.2021 under Section 302 of the Indian Penal Code, 1860 [charge sheet submitted under Sections 498A/306 of the Indian Penal Code, 1860].

Mr. Sengupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged incident occurred about five years after the petitioner's marriage with the victim lady. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 160 days, is not warranted.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the

petitioner as recorded under Section 161 of the Code and the post-mortem report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not necessary, more so when, upon completion of investigation charge sheet has already been submitted and charges have also been framed.

Accordingly, we **allow** this application and direct that the petitioner, namely, **Sudip Ghosh @ Chunu**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura with further conditions that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

With the aforesaid observations, the application for bail, being CRM No.7575 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.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)