

Via video conference

28.02.22

(S.R.)

Sl.32

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Burwan** Police Station Case No.297 of 2021 dated 24/10/2021 under Sections 498A/302 of the Indian Penal Code (G.R. Case No.1624 of 2021);

And

In re: Shankar Bagdi

... petitioner.

Mr. Manas Kumar Das

... for the petitioner.

Mr. Partha Pratim Das

Mrs. Manasi Roy

...for the State.

Mr. Das, learned lawyer appearing for the petitioner submitted that there are paucity of incriminating materials against the present petitioner. There is no ligature mark around the neck of the deceased. The allegation is false and baseless against the present petitioner. Since the charge sheet has been filed, further custodial detention and interrogation is not necessary. The petitioner is in custody for about 124 days. Accordingly, he prays for bail on any stringent condition.

Per contra, Mr. Das, learned lawyer appearing for the State opposed the application on the ground that post-mortem report indicates semicircular mark around the neck. The allegation is very grave and serious and strong incriminating materials are there against the present petitioner. Statement of the present petitioner led to recovery of a piece of cloth by which he caused death to his wife, as confessed. Accordingly, he strongly opposed the bail application.

We have heard rival submissions and perused the case diary. It appears from the record that alleged murder took place inside the house but no statement of witnesses is recorded either under Section 161 or under Section 164 of the Code of Criminal Procedure. There is a statement of accused leading to recovery of offensive piece of cloth by

which allegedly the petitioner murdered the victim. However, we notice contradictions in the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure. Considering the incriminating elements against the present petitioner implicating him in the alleged offence, and that investigation is complete warranting no further custodial interrogation, we are inclined to allow the instant bail application.

Accordingly, the petitioner may find bail on 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad with a further condition that the petitioner shall not leave the jurisdiction of Burwan Police Station without prior permission of the Inspector-in-Charge of Burwan Police Station until further order and shall attend the learned Trial Court on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM(DB) No.186 of 2022 is, accordingly, 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.)

