

03.03.2022
Serial no. 47
Aloke
Ct. No. 29

CRM (DB) 593 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.02.2022 in connection with Gangnapur P.S. Case No. 43 of 2021 dated 16.03.2021 under Sections 498A/302 of the Indian Penal Code.

-And-

In the matter of: Sanatan Bhowmick

... ..Petitioner

Mr. Prabir Majumder, Advocate

Mr. Snehansu Majumder, Advocate

... .. For the Petitioner

Mr. Sasawata Gopal Mukherjee, Id. PP

Mr. Partha Pratim Das, Advocate

Ms. Manasi Roy, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated under Section 302 of the Indian Penal Code. The materials in the case diary at best demonstrates a case under Section 304B. He submits that the petitioner is in custody for 349 days. The police filed charge-sheet, therefore, further detention of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the postmortem report and to the statement recorded under Section 164 of the Code of Criminal Procedure.

The postmortem report states that the death was due to hanging and antemortem in nature. The injury column of the postmortem report states there was one non-continuous ligature mark on the neck of the victim.

Considering the contents in the postmortem report, the period of detention of the petitioner and considering the fact

that police filed charge-sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 593 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)