

65 21.03.2022
AD Ct. No.29
(Partly
Allowed)

C.R.M. (DB) 771 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhantala** P.S. Case No. **23** dated **11/01/2022** under Sections **447/325/506/307/306/34** of the Indian Penal Code.
And

In the matter of: Sri Debasish Biswas & Ors.

....petitioners.

Mr. Tushar Kanti Mukherjee

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP

Mr. Bibaswan Bhattacharya

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners submits that there are issues with regard to partition of the immovable properties between the family of the victim and the petitioners herein. The petitioners were falsely implicated. The petitioners are in custody for 69 days.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the wife of the victim recorded under Section 164 of the Code of Criminal Procedure. The victim died due to burn injuries. The victim did not record any statement before his death. The statement recorded under Section 164 of the Code of the wife of the victim states that some of the co-sharers sprinkling kerosene on the already burning husband from outside the grill.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the fact that the wife of the victim made allegations against the first three petitioners and considering the fact that the police are yet to file charge sheet, we are unable to

grant bail to the first three petitioners at this stage.

Accordingly, the prayer for bail of the first three petitioners, namely, Debasish Biswas, Debu Biswas and Dipak Biswas, is rejected.

However, so far as the petitioner nos.4,5 and 6, namely, Tufan Biswas, Shubasish Biswas and Papan Biswas, are concerned, we grant bail to them.

Accordingly, the petitioner nos.4,5 and 6 be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each 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 the condition that during bail the petitioner nos.4,5 and 6 shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner nos.4,5 and 6 shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner nos.4,5 and 6 fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the prayer for bail of the petitioner nos.4,5 and 6, namely, Tufan Biswas, Shubasish Biswas and Papan Biswas, is allowed.

The application for bail being **C.R.M. (DB) 771 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)