

20.06.2022
tkm/ct 28
sl no. 43

C.R.M. (DB) 1890 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Sankrail P.S Case no. 403 of 2020 dated 21.5.2020 under sections 498A/302/120B IPC read with sections 3 and 4 of the DP Act subsequently charge sheet submitted under section 498A/306/34 IPC read with sections 3/4 of the DP Act
And

Allowed

In Re : Bhabesh Barman petitioner

Mr. Arindam Sen
Mr. P Ch. Pal
Mr. S Bhattacharya
..... for the petitioner
Mr. S G Mukherjee, Id PP
Mr. Aniket Mitra
..... for the State

Petitioner is in custody for 63 days. It is contended allegation of murdering the victim lady is not supported by recordings in the post mortem report.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the minor child of the victim lady. Although the child states that the accused persons including the petitioner had assaulted and murdered the victim by hanging, injuries in the post mortem report particularly the non-continuous oblique ligature mark is indicative of suicidal hanging.

In view of the aforesaid dichotomy which requires to be thrashed out during trial and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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

CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 1890 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)