

23.06.2022
tkm/ct 28
sl no. 40

C.R.M. (DB) 1975 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Balurghat P.S case no. 39 of 2020 dated 23.1.2020 under section 302/120B IPC
And

Allowed

In Re : Sudhangshu Barman @ Sudhansu petitioner

Mr. K Chaudhury
Ms. Busra Khatun

..... for the petitioner

Ms. Z N Khan
Mr. Ashok Das

..... for the State

Petitioner is in custody for 112 days. It is submitted that he has been falsely implicated out of suspicion.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner had illicit affair with the wife of the deceased. Wife of the deceased made extra judicial confession in presence of local people.

We have considered materials on record. Extra judicial confession by co-accused is a weak evidence. Said co-accused is on bail. It is contended there was illicit relationship between them which provided the motive for crime. Whether circumstances relied on by the prosecution is sufficient to bring home guilt requires to be assessed in the course of trial. However, bearing in mind the extent of complicity of the petitioner in the alleged crime, period of detention suffered by the petitioner 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, Dakshin Dinajpur 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) 1975 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)