

30.06.2022.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2063 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Purbasthali P. S. Case No. 52 of 2021 dated 15.02.2021 under Sections 302/34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

In the matter of : Dibyendu Ghosh @ Kalu.
.... Petitioner.

Mr. Pradyat Saha.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 395 days. It is submitted there is no direct evidence connecting the petitioner with the alleged crime.

Learned Advocate for the State opposes the prayer for bail and submits victim died due to gun shot and other injuries. Pipe gun has been recovered on the leading statement of the petitioner.

We have considered the materials on record. There is no direct evidence that the petitioner fired at the victim. No ballistic report with regard to the seized weapon is placed before us.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 Additional Chief Judicial Magistrate, Kalna, Purba Medinipur subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)