

12.07.2022.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2186 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.242 of 2022 dated 20.05.2022 under Sections 302/120(B)/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

In the matter of : Avijit Bhattacharjee @ Abhijit @ Abhijeet
Bhattacharya @ Bhattacharjee.
.... Petitioner.

Mr. Shibaji Kr. Das.,
Ms. Rupsa Sreemani.

...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 54 days. He submits he had purchased a share in an ancestral property from one Debashis Karmakar. Dispute broke out between Debashis Karmakar and another co-sharer viz., Janardan Karmakar (since deceased) over the aforesaid property. Subsequently, Janardan was murdered. Prayer for discharge of the petitioner was made by the investigating agency. Learned Magistrate did not accept the prayer for discharge and directed further investigation which is in progress.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had threatened Janardan Karmakar prior to the incident and had motive to commit the crime.

We have considered the materials on record. Principal accused Debashis Karmakar had sold ancestral property to the petitioner for valuable consideration. Janardan Karmakar was a co-sharer in the property and dispute arose as the sale had been effected without his consent or knowledge. It is contended on behalf of the petitioner he was unaware of the right of Janardan Karmakar in the property. Though some witnesses stated about altercation between petitioner and Janardan, none of the witnesses disclose presence of the petitioner at the place of occurrence. Nothing has been collected in course of investigation/further investigation to show that the petitioner was in contact with Debashis Karmakar at the time of occurrence.

In view of the aforesaid facts, we are of the opinion detention of the petitioner for the purpose of further investigation is not necessary and he may be granted bail.

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, Kalayani, Nadia subject to condition that he 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.)