

20.07.2022
cm/ct 28
sl no. 19

C.R.M.(DB) No. 2240 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Narkeldanga P.S Case No. 126 of 2022** dated **07.04.2022** under Section **302/201/34** of the Indian Penal Code.
And

Allowed

In Re : Mehilal Chowdhury @ Mehrilal Chowdhury
..... petitioner

Mr. Sumanta Ganguly
Mr. Prithwiraj Biswas
Mr. Zeeshan Ahamed

..... for the petitioner

Mr. Nguive Ahmed, Ld. A.P.P.
Ms. Trina Mitra
Ms. Ayantika Roy

..... for the State

Learned advocate appearing for the petitioner submits there is no variation in the statement of Sukhesh Ray recorded under Section 161 and under Section 164 Cr.P.C. respectively. He further submits statement of Tarakeswar Singh recorded under Section 164 Cr. P.C. is exonerative in nature.

Heard learned Additional Public Prosecutor who opposes the prayer for bail.

Investigating officer is unable to give explanation with regard to variation in the statement of said Tarakeswar Singh recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C.respectively.

We have considered the materials on record. Statement of Sukhesh Ray recorded under Section 161 Cr.P.C. and under Section 164 Cr.P.C. does not implicate the petitioner. However, statement of Tarakeswar Singh recorded under Section 161 Cr.P.C. incriminates the petitioner. We are not inclined to give much weightage to his statement recorded under Section 164 Cr.P.C.

which appears to be evasive and false. Even if statement of Tarakeswar Singh under Section 161 Cr.P.C. is accepted, there is a variation between his statement that of Sukesh Roy with regard to extent of complicity of the petitioner in the crime.

In view of the aforesaid fact and 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, one of whom must be local, to the satisfaction of the learned, Additional Chief Judicial Magistrate, Sealdah 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) No.2240 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)