

13.07.2022
tkm/ct 28
sl no. 47

C.R.M. (DB) 2294 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dutta Pukur P.S Case no. 512 of 2022 dated 22.5.2022 under section 306 IPC
And

Allowed

In Re : Md. Apijuddin

..... petitioner

Mr. S Barman

Mr. R Prasad

..... for the petitioner

Mr. Binay Panda

Mr. S. Bhakat

..... for the State

Petitioner is in custody for 49 days. It is submitted victim was a thief and subsequently committed suicide. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits petitioner had assaulted the victim on the suspicion that he is a thief. Subsequently, he committed suicide.

We have considered the materials on record. No suicide note was left behind by the victim. Whether petitioner abetted commission of suicide requires to be assessed in the light of the attending facts and circumstances of the case.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, 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, North 24 Parganas at Barasat 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) 2294 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)