

15.07.2022
Item No.30
Court No.28
CHC
Allowed

CRM (DB) 2331 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Chitpur Police Station Case No.36/2022 dated 27th February, 2022 under Sections 120B/328/354/354C/419/420/468/506(ii)/376(n) of the Indian Penal Code.

-And-

In the matter of : **Subhash Ghosh**

... .. Petitioner

Mr. Jayanta Narayan Chatterjee, Advocate
Mr. Debasish Banerjee, Advocate
Mr. Nazir Ahmed, Advocate
Mr. Supreem Naskar, Advocate

... .. For the Petitioner

Mr. Neguive Ahamed, Ld. A.P.P.
Ms. Trina Mitra, Advocate

... ..For the State

Petitioner is in custody for 137 days.

He submits that investigation is complete.

It is submitted that there is delay in lodging the F.I.R.

Learned advocate for the State submits that petitioner was an astrologer and on the basis of false representation cohabited with the victim and misappropriate monies.

We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of consequence thereof. There is delay in First Information Report. The allegation of cohabitation on the basis of false representation requires to be assessed in the light of the aforesaid circumstances.

Keeping in mind the facts and circumstances of the case and period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah, South 24 Parganas, subject to the condition that

the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)