

08.08.2022
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 2590 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with Singur Police Station Case No. 378 of 2021 dated 02.12.2021 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.1760 of 2021)

And

In Re: ***Dipak Patel***

... .. Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 248 days. It is further submitted petitioner is not the principal accused.

Learned Additional Public Prosecutor opposes the prayer for bail and submits the incident relates to murder of three family members. Petitioner was present at the place of occurrence and did not prevent the crime.

We have considered the materials on record. From the statements of witnesses it appears co-accused viz. Jogesh Patel in an act of frenzy killed three family members. Whether the petitioner was an accomplice or out of fear remained mum requires to be assessed during trial. In the light of the aforesaid circumstances, extent of complicity of the petitioner in the alleged crime and period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Dipak Patel***, be released on bail upon furnishing 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, Chandannagar, Hooghly subject to condition that the said 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Singur Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)