

05.08.2022.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2638 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur P. S. Case No.241 of 2022 dated 19.06.2022 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : Sanjit Biswas & Anr.

.... Petitioners.

Mr. Sumanta Das.

...for the Petitioners.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Leave is given to the learned Advocate-on-record of the petitioners to correct the cause title of the petition.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners are in custody for about 46 days. It is contended victim boy committed suicide. They have been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. She submits petitioner no.2 had a love affair with the victim boy. Subsequently, he was assaulted by other accused including the petitioner No.1 and died.

We have considered the materials on record. Post mortem reveals victim had committed suicide. Apart from ligature mark, no other injury is noted in the post mortem report. Co-

accuseds have been granted pre-arrest bail in CRM (A) 3588 of 2022.

Under such circumstances, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate at Krishnanagar, Nadia subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)