

24.08.2022
cm/ct 28
sl no. 39

C.R.M. (DB) 2848 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Joypur P.S. Case No. 04 of 2022 dated 04.01.2022 under Sections 363/365 of the Indian Penal Code, subsequently added Section 302 of the Indian Penal Code.

Allowed

In Re : Sarthak Mahato

..... petitioner

Mr. Aritra Bhattacharya
Mr. Dattatreya Dutta

..... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

Petitioner is in custody for 225 days. It is submitted he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He contends deceased had an illicit affair with the wife of the petitioner and he had a motive to commit the crime. He made extra judicial confession to witnesses.

We have considered the materials on record. Victim died due to drowning and no internal or external injuries were found on his body. Statement of witness i.e. Dhiren Sardar show confession was made in the police station. Statement of co-accused Rajani Mahato also speaks of an extra judicial confession which however does not find place in the First Information Report. Credibility of his version requires to be assessed in the course of trial.

Keeping in mind the aforesaid facts and circumstances of the case 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 Chief Judicial Magistrate, Purulia on condition that the petitioners 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 petitioner 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. 2848 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)