

02.09.2022.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2957 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.171 of 2022 dated 21.04.2022 under Section 302 of the Indian Penal Code and charge sheet submitted under Section 302 of the Indian Penal Code.

In the matter of : Basudeb Jana.

.... Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody 134 days. He submits there was domestic quarrel between himself and other family members. His niece committed suicide two months prior to the registration of the first information report. Subsequently, he was falsely implicated in the present case alleging murder.

Learned Advocate for the State opposes the prayer for bail. He submits statements of witnesses recorded under Section 164 of the Code of Criminal Procedure show the victim was found sitting on a tool with a bed sheet wrapped under neck. This improbabilises a case of suicidal hanging.

We have considered the materials on record including the post mortem report. Post mortem report indicates a non-continuous ligature mark high up on the neck which would ordinarily points towards suicidal hanging. Minor injuries

found on the body of the victim girl may probabilise a case of scuffle prior to the incident but would not lead to the inference of assault resulting in her death. First information report was belatedly registered. Reason for such delay offered by the de-facto complainant and the version of the witness recorded under Section 164 of the Code of Criminal Procedure with regard to position of the body requires to be assessed on the anvil of the findings of the autopsy surgeon and other attending facts and circumstances in the course of trial.

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

Accordingly, the petitioner shall 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas subject to condition that he 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

