

08.09.2022
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allowed

CRM(DB) No. 3053 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah Police Station Case No. 230 of 2021 dated 01.06.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sourav Barman @ Sourabh Barman petitioner

Ms. Rupsa Sreemani
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Mr. Iqbal Kabir
..... for the State

Learned Counsel for the petitioner submits he is in custody for 218 days. Co-accuseds have been granted bail by the Sessions Court. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits deceased had been called by the petitioner and co-accuseds from his residence.

We have considered materials on record. Co-accuseds, similarly circumstanced with the petitioner, have been granted bail. Apart from the submission petitioner had called the victim. No other incriminating material is forthcoming. Whether the circumstances relied by the prosecution would constitute a complete chain implicating the petitioner may be assessed during trial. Keeping in mind the aforesaid facts and period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Kalyani, Nadia, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)