

08.12.2022

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Allowed

C.R.M. (DB) No. 3908 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip Police Station Case No. 296 of 2022 dated 12.09.2022 under Sections 323/363/365 of the Indian Penal Code with added Sections 302/201/34 of the Indian Penal Code.

And

In Re : Biranjan Das @ Biyaranjan Das petitioner

Mr. Shibaji Kumar Das

Mr. Jagadish Das

Ms. Rupsa Sreemani

.....for the petitioner

Mr. Madhusudan Sur, learned APP

....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 86 days. It is also submitted that there is no direct evidence connecting the petitioner with the murder. Investigation is complete. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show the victim had gone in a boat with the petitioner and others for fishing. Subsequently, his dead body was recovered. Apart from superficial abrasions, no other injuries are noted in the post mortem report. Final opinion with regard to cause of death of the victim is awaited.

Under such circumstances, we are of the opinion further detention of the petitioner may not be necessary and may be granted bail.

Accordingly we direct that the petitioner viz. Biranjan Das @ Biyaranjan Das 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, Kakdwip, South 24-Parganas, on conditions 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.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)