

30.11.2022
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allowed

CRM(DB) No. 4219 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 481 of 2021 dated 06.12.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Tapan Kumar Ghosh petitioner

Mr. Soumik Ganguly
Mr. Komal Singh

.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 358 days. It is also submitted that he is not the principal accused. There is no progress in the matter since the rejection of bail by this Court.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner instigated co-accused Srikanta (who has been subsequently dead) to commit the murder of three cousins to grab the property.

We have considered the materials on record. Statements of witnesses show enmity between the family members. However, none of the statements speak of direct instigation by the petitioner to the principal accused on the date of the incident. In view of the extent of complicity of the petitioner in the crime and as there is no development since rejection of bail by this Court, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)