

22.12.2022.
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as
(Allowed)

C.R.M. (DB) 4506 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur P. S. Case No.284 of 2022 dated 11.08.2022 under Sections 306/34 of the Indian Penal Code.

In the matter of : Dipak Jana.

.... Petitioner.

Mr. Amal Krishna Samanta.

...for the Petitioner.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Md. Kutubuddin,
Mr. Santanu Deb Roy.

...for the State.

Petitioner is in custody for 103 days. He submits he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was the Manager of a co-operative society and victim was its Secretary. Petitioner had misappropriated funds of the society. As a result, victim was under financial pressure and committed suicide.

We have considered the materials on record. Statements of witnesses show victim was under financial pressure. It was alleged that the petitioner mismanaged the affairs of the society. No criminal case with regard to mismanagement of the affairs of society had been registered against the petitioner. Though victim claimed he had gone to meet the petitioner prior to the incident, nobody saw them together. Cause of death is suicidal. Victim did not leave behind any suicide note.

Under such circumstances and in view of period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Dipak Jana 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 Chief Judicial Magistrate, Purba Medinipur 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)