

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

06.05.2022
Court No.01
Item No.24
Avijit Mitra

CRM (DB) 128 of 2022

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

**In Re: Shri Krishna Majumder alias Krishna
Majumdar**

...Petitioner

Mr. Kumar Shantanu

....For the petitioner

Mr. Arun Kumar Sarkar,
Mr. Biswarup Roy

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Alipurduar Police Station Case No.25 of 2022 dated 08.01.2022 under Sections 498A/304/120B/109 of the Indian Penal Code.

Mr. Shantanu, the learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. No specific overt act has been attributed to the petitioner. The other in-laws have already been granted anticipatory bail by a Coordinate Bench of this Court. In view thereof, further detention of the petitioner, who is in custody since 10th January, 2020, may not be necessary.

Mr. Sarkar, the learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code as well as the *post-mortem* report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary including the statement of the witnesses, the *post-mortem* report, the period of detention already suffered by the petitioner and the possible extent of his complicity, we are of the opinion that further detention is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Shri Krishna Majumder alias Krishna Majumdar**, 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, Alipurduar.

The petitioner shall attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being C.R.M.(DB) 128 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)