

24.11.2022

Sl. No.1
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 442 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2022 in connection with Sitalkuchi Police Station Case No.166 of 2022 dated 01.07.2022 under Sections 302/201 of the Indian Penal Code. (G.R. Case No.712 of 2022)

And

In Re: ***Satyajit Roy Sarkar***

... .. Petitioner

Ms. Sibangi Chattopadhyay

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 147 days. It is further submitted there is no witness to the murder. It is doubtful whether the nature of injuries noted in the post-mortem report may be caused by the weapon of offence i.e. sword recovered on the showing of the petitioner.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was seen soon after the incident with the weapon of offence. Subsequently, the said weapon has been recovered on his leading statement.

We have considered the materials on record. Post-mortem report discloses penetrative wounds ordinarily caused by pointed weapons. Alleged weapon of offence recovered from the petitioner is a knife/sword. No forensic report with regard to presence of blood stains on the seized weapon is placed before us. In view of the aforesaid circumstances, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Satyajit Roy Sarkar**, 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, Mathabhanga, Cooch Behar subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)