

18.01.2023.
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(Allowed)

C.R.M. (DB) 189 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari P. S. Case No.182 of 2021 dated 25.09.2021 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : Arup Pramanik @ Apu.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick,
Ms. Pallalbi Laha.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Subasree Patel.

...for the State.

Petitioner is in custody for one year and four months. He submits there was no telephonic communication between him and the wife of the deceased. He has been implicated in the case on mere surmise. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits there are materials showing intimate relationship between the petitioner and the wife of the deceased.

We have considered the materials on record. Implication of the petitioner transpires from the statement of a witness recorded under Sections 164 of the Code of Criminal Procedure. On such premise his bail prayer was rejected earlier. Since then there is no substantial progress in the matter. Other accuseds who have been named in the said statement, however, has not been sent up for trial. It is

contended petitioner had intimate relation with the deceased. Whether the aforesaid circumstances would be sufficient to segregate the role of the petitioner qua the other accuseds who have not been sent for trial requires to be assessed during trial.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Arup Pramanik @ Apu 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, Gangarampur at Buniadpur. Dakshin Dinajpur 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.)