

20.01.2023
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allowed

CRM(DB) No. 263 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 219 of 2022 dated 20.02.2022 under Sections 365/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 365/302/201/120B/34 of the Indian Penal Code.

And
In Re : Achinta Barman petitioner

Ms. Chandrima Debnath
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das
..... for the State

Learned Counsel for the petitioner submits he is in custody for 268 days. It is also submitted that he is the brother-in-law of the victim housewife. Victim was untraceable. Subsequently her dead body was recovered. He has been falsely implicated in the instant case. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim had been murdered by her husband and in-laws including the petitioner. On his leading statement dead body was recovered.

We have considered the materials on record. There is no direct evidence that the petitioner had murdered the victim. Credibility of the simultaneous disclosure statements of the accuseds including the petitioner requires to be assessed during trial. Investigation is complete. In view of the aforesaid facts, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, 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.)