

08.02.2023
Sl. No.41
akd
[ALLOWED]

C. R. M. (DB) 497 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2023 in connection with Shasan Police Station Case No.146 dated 30.07.2022 under Sections 342/323/328/302 of the Indian Penal Code. (G.R. Case No.3055 of 2022)

And

In Re: ***Abul Basarat @ Anta Molla @ Abul Basarat Molla***
... .. Petitioner

Mr. Soubhik Mitter
Mr. Ayan Basu
Mr. Sumit Routh

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Subrata Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 160 days. It is further submitted victim had entered into a relationship with the daughter of the petitioner. Petitioner did not support the relationship. Victim took poison and died. Petitioner has been falsely implicated.

Learned Additional Public Prosecutor opposes the prayer for bail and submits in addition to ingestion of poison, victim also suffered injuries. He died due to combined effect of injuries and ingestion of poison.

We have considered the materials on record. Initially medical report shows victim had been administered poison by unknown persons. It cannot be said petitioner was not known to the victim. Belatedly, petitioner has been implicated. Possibility of false implication due to his opposition to the relationship with his daughter cannot be ruled out. Victim had survived for more than a month. In view of the aforesaid facts, 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 **Abul Basarat @ Anta Molla @ Abul Basarat Molla**, 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 Chief Judicial Magistrate, North 24-Parganas at Barasat 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.)