

27.03.2023
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allowed

CRM(DB) No. 1114 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangnapur Police Station Case No. 417 of 2022 dated 22.08.2022 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Dipankar Biswas petitioner

Ms. Karabi Roy

Mr. Soumen Chatterjee

Mr. H. Rahaman

....for the petitioner

Mr. Madhu Sudan Sur, learned APP

Mr. Manoranjan Mahata

..... for the State

Learned Counsel for the petitioner submits he is in custody for 111 days. It is also submitted there is no direct evidence connecting him with the murder. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits Ganapati Biswas (deceased) had illicit affair with the wife of the petitioner. He had motive to commit the crime. Statement of witness shows that the petitioner had conversation with co-accused Pradip Bain. Offending weapon has been recovered from him.

We have considered the materials on record. Though statement of witness shows petitioner had motive to commit the crime, there is no direct evidence to connect him with the murder. No forensic report with regard to the offending weapon recovered from Pradip Bain is placed before us. Credibility of the statement of the witness who claims to have overheard

conversation between petitioner and co-accused Pradip Bain requires to be assessed during trial. Keeping in mind the aforesaid circumstances, period of detention suffered by the petitioner and as investigation is complete, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions 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.)