

03.04.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1133 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga P. S. Case No.162 of 2022 dated 08.03.2022 under Sections 364/302/201/120B of the Indian Penal Code.

In the matter of : Subho Parui.

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Sourav Mondal,
Ms. Sompurna Chatterjee.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the de-facto complainant.

Inadvertent typographical error had crept into the order dated 27.03.2023.

In the second line of the order, the words 'petitioner submits' be incorporated between the words 'the' and 'de facto complainant'.

Other portions of the order shall remain the same.

Department is directed to incorporate necessary correction in the order.

Prosecution case is to the effect that the son of the de-facto complainant went missing. Subsequently, his dead body was recovered near the house of one Haran Parui. Suspecting the role of Haran Parui in the crime, FIR was registered. Petitioner was not named as an accused. It is contended on

behalf of the petitioner he has been falsely implicated. He prays for bail.

Learned Advocate for the de-facto complainant submits investigation has not been conducted in a fair manner. No evidence was collected against Haran Parui.

On the other hand, learned Advocate for the State opposes the bail prayer and contends petitioner was last seen with the minor.

We have considered the materials on record. From the aforesaid materials, it appears de-facto complainant suspected the role of Haran Parui in the crime. It is his contention investigation was not conducted fairly and no evidence against the said Haran Parui has been collected. Evidence against petitioner is that he was seen playing with the child. No materials disclosing motive to commit the crime is placed on record. Whether the circumstances would constitute a complete chain implicating the petitioner in the crime requires to be assessed during trial.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner i.e. 372 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Subho Parui 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, Barasat, North 24-Paraganas 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.)