

11.04.2023
42
sdas
allowed

CRM(DB) No. 1208 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip Police Station Case No. 356 of 2022 dated 17.10.2022 under Section 328 of the Indian Penal Code and charge-sheet submitted under Sections 328/302 of the Indian Penal Code.

And

In Re : Bappa @ Ranjit Barik petitioner

Mr. Soumik Ganguly
Mr. Supriyo Shasmol

....for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel

.... for the State

Investigating officer is present in Court. His personal appearance is noted and dispensed with.

Learned Counsel for the petitioner submits he is in custody for 179 days. It is also submitted he has been falsely implicated on the basis of suspicion. Victim was initially admitted at Kakdwip Hospital. She did not come out with a case of poisoning at the said hospital. Petitioner prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits medical officers at Kakdwip Hospital did not suspect poisoning. Subsequently at Kolkata Hospital victim was admitted as a case of unknown poisoning. Poison was recovered on the showing of the petitioner.

We have considered the materials on record. Initially at Kakdwip Hospital victim did not complain of poisoning. Subsequently she came out with a statement alleging

administration of poisoning in a cold drink by the petitioner. No forensic report supporting the possibility of administration of the recovered poison in the drink has been obtained. In view of 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, Kakdwip, South 24 Parganas, 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.)