

17.04.2023  
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sdas  
allowed

CRM(DB) No. 1506 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 349 of 2022 dated 29.09.2022 under Sections 306/34 of the Indian Penal Code and charge-sheet submitted under Sections 420/306/120B of the Indian Penal Code.

And

In Re : Rehesan Sk. @ Md. Rehesan Sk. .... petitioner

Mr. Soumik Ganguly  
Md. G. N. Imrohi

....for the petitioner

Mr. P. K. Datta, learned APP  
Mr. Prodipto Ganguli

.... for the State

Learned Counsel for the petitioner submits he is in custody for 200 days. It is also submitted he is not the principal accused. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner and one Dibakar Konai @ Bapi induced the victim to pay Rs.7,50,000/- for employment in school.

We have considered the materials on record including the suicide note. In the suicide note victim stated that he had paid money to Dibakar Konai @ Bapi through petitioner. However, money was misappropriated by Dibakar Konai @ Bapi and he has made him solely responsible for his untimely death. Keeping in mind the aforesaid facts and as there is no progress in the matter since rejection of bail by this Court, 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, Lalbag, Murshidabad, 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.)**