

C.R.M. (D.B.) 1554 of 2023

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S. Case No. 594 of 2022 dated 08.12.2022 under sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Joy Saha

Mr. Achyut Basu
Mr. Prasenjit Debnath
Ms. Punam Basu

... ... for the petitioner

Mr. Neguive Ahmed
Mr. Asif Dewan

... ... for the State

Petitioner is in custody for 130 days. It is submitted that a criminal case was registered by one Sukla Biswas against the petitioner and his mother. Subsequently, his mother went missing and a missing diary was registered. Petitioner obtained anticipatory bail on 02.12.2022. When he went to his residence he found the dead body of his mother. He was falsely implicated and arrested. He prays for bail.

Learned lawyer for the State submits that the petitioner had an affair with Sukla Biswas. He hatched a conspiracy with the latter and other and committed the murder. He used to demand money from his mother.

We have considered the materials on record. Earlier a criminal case was lodged by Sukla Biswas alleging that the petitioner had taken money from her. Allegations were also levelled against his mother. The said case was registered on

5th July, 2022. Petitioner applied for anticipatory bail and a co-ordinate Bench of this Hon'ble Court in CRM (A) 5546 of 2022 was pleased to grant anticipatory bail to the petitioner. There is no material to show that during the aforesaid period the petitioner was residing with his mother. On the other hand, missing diary lodged in September shows that his mother was untraceable. Upon obtaining anticipatory bail, when the petitioner went to visit his residence dead body of his mother was discovered. During police custody no incriminating articles were seized from the petitioner which would reveal guilt of the petitioner.

Keeping in mind the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, 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 Judicial Magistrate, Nabadwip, Nadia subject to the condition that the 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 the petitioner fails to do so 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, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)