

27.04.2023.
34.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1706 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jadavpur P. S. Case No.110 of 2022 dated 17.05.2022 under Sections 302/394 of the Indian Penal Code.

In the matter of : Subhas Chandra Roy.

.... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Debasish Biswas,
Mr. Ivan Roy,
Mr. Debanshu Bandhu.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Petitioner is in custody for 344 days. It is submitted death was accidental and he has been falsely implicated.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had gone to the room of the victim. Victim suffered injuries and died. Articles of the victim has been recovered from the petitioner.

We have considered the materials on record. There are evidence that the petitioner was present in the room where the victim suffered unnatural death. But the cause of death is unclear. Opinion of the post mortem doctor is that the death may be accidental too.

In the backdrop of the aforesaid circumstance whether the other circumstances will unerringly point to the guilt of the petitioner may be assessed during trial. Petitioner has

permanent residence and there is no chance of abscondence. Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Subhas Chandra Roy 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 District and Sessions Judge, Alipore, South 24-Parganas 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.)