

31.07.2023
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allowed

CRM(DB) No. 2991 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haroa Police Station Case No. 168 of 2022 dated 30.05.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Goutam Ruidas @ Goutam Rui Das petitioner

Ms. Juin Dutta Chakraborty

Mr. Koustava Ratan Chatterjee

....for the petitioner

Mr. Neguive Ahamed, learned APP

Ms. Amita Gaur

..... for the State

Learned Counsel for the petitioner submits there is no direct evidence connecting him with the murder. He is in custody for 430 days. Co-accused are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the husband of the co-accused, Champa Ruidas who had illicit affair with the deceased. Champa and her husband i.e. the petitioner with others were seen removing the dead body. He prays for bail.

We have considered the materials on record. It is nobody's case that the victim had been murdered at the house of the petitioner. No material is placed before us to establish the place of occurrence. Under such circumstances it cannot be said that the petitioner was present at the place of occurrence when the murder occurred. Subsequent removal of dead body, even if established, may attract lesser offence of disappearance of

evidence but not the offence of murder. In view of the aforesaid circumstances and protracted period of detention suffered by the petitioner, we are inclined to grant bail to him too.

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 Sessions Judge, Fast Track Court-III, Basirhat, North 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)