

28.07.2023
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allowed

CRM(DB) No. 2992 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 155 of 2023 dated 11.05.2023 under Section 302 of the Indian Penal Code and subsequently charge-sheet submitted under Section 306 of the Indian Penal Code.

And

In Re : Kushal Patra @ Bhola petitioner

Mr. Niladri Sekhar Ghosh

Mr. Sourav Mondal

....for the petitioner

Mr. Sudip Ghsh

Mr. Bitasok Banerjee

..... for the State

Learned Counsel for the petitioner submits he is in custody for 79 days. It is also submitted he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was the paramour of the victim.

We have considered the materials on record. Allegation of murder is not probalised through the findings of the postmortem report. There is no material to show prior to the incident petitioner had instigated the victim to commit the suicide. She did not leave behind any suicide note. Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Arambagh, Hooghly, 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.)