

03.08.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3072 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Moyna P.S. Case No.44 of 2023 dated 13.02.2023 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : Shyamal Bera.

.... Petitioner.

Mr. Amal Krishna Samanta.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Petitioner is in custody for 171 days. He submits there is no direct evidence connecting him with the murder. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is the paramour of the wife of the deceased. They entered into conspiracy and petitioner supplied sleeping pills which were administered to the deceased. Thereafter, he was assaulted and he died.

We have considered the materials on record. Statements of witnesses show there was an illicit relationship between petitioner and co-accused i.e. wife of the deceased. However, there is no legally admissible evidence of handing over sleeping pills by the petitioner to the co-accused. Post mortem report also does not note presence of odour in the stomach of the deceased. Viscera report has not been received. Prosecution

relies on the sole statement of the son of the deceased that the food had tasted different.

In view of the scanty material placed before us showing complicity of the petitioner in the crime and as there is no chance of his abscondence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Shyamal Bera 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 Chief Judicial Magistrate, Purba Medinipur at Tamluk 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 and on further condition that the petitioner while on bail shall remain within Moyna Police Station and report to the Officer-in-charge of Moyna Police Station once in a week until further orders.

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.

This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

