

04.08.2023
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allowed

CRM(DB) No. 3105 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 189 of 2022 dated 08.06.2022 under Section 306 of the Indian Penal Code.

And

In Re : Budhuray Hansda @ Budhrai Hansda petitioner

Mr. Subhrajyoti Ghosh

....for the petitioner

Mr. P. K. Datta, learned APP

Mr. Santanu Deb Roy

..... for the State

Learned Counsel for the petitioner submits ingredients of offence punishable under Section 306 of the Indian Penal Code are not disclosed. Petitioner is in custody for 422 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. It is alleged that petitioner and wife of the deceased had an illicit affair. As a result victim committed suicide. Victim did not leave any suicide note. Petitioner is in custody for 422 days. There is little possibility of trial concluding in the near future. Under such circumstances, we are inclined to grant bail to the petitioner.

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,

Kalyani, Nadia, 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.)