

08.08.2023
tkm/ct 28
sl no. 52

C.R.M. (DB) 3108 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranaghat P.S case no. 181 of 2023 dated 4.4.2023 under sections 326/307/302/201 IPC
and

Allowed

In Re : Chand Ghosh ... petitioner

Mr. Milon Mukherjee, Sr. Adv
Mr. D Dutta

..... for the petitioner

Mr. Suidp Ghosh
Mr. Bitasok Banerjee

..... for the State

Petitioner is in custody for 129 days. It is contended initially FIR was registered against the unknown miscreants. Medical papers show patient stated that he had been assaulted by unknown person. Belatedly out of grudge petitioner was falsely implicated. Statements of purported eye-witnesses were recorded 40 days after the incident. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits statements of witnesses show petitioner was seen drinking with the deceased soon before the incident. Another witness claimed that the petitioner had assaulted the deceased as well as the said witness. On his leading statement, weapon of offence i.e. iron rod was recovered.

We have considered the materials on record. Petitioner was known to the deceased. It is the prosecution case that he intended to marry his daughter. In this backdrop it is for the prosecution to explain why the deceased did not come up with the name of the petitioner as his assailant in the hospital. Statement of eye-witness Biswajit Halder was recorded 40 days after the incident.

Credibility of his version is to be tested in the backdrop of delayed examination and absence of injury on his person. No forensic report with regard to so-called iron rod recovered on the showing of the petitioner is placed on record.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 3108 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)