

11.08.2023
tkm/ct 28
sl no. 27

C.R.M. (DB) 3183 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gobordanga P.S case no. 57 of 2023 dated 25.2.2023 under section 302 IPC
and

Allowed

In Re : Gautam Bala ... petitioner

Mr. Sabir Ahmed
Mr. S Naskar

..... for the petitioner

Ms. Anasuya Sinha
Mr. P K Mitra

..... for the State

1. Petitioner is in custody for 167 days. It is submitted that there is no direct evidence connecting him with the murder. Cause of death has not been established. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Statement of the mother of the victim shows that the latter had received a phone call from the petitioner and left the residence. Another statement of the lady friend of the victim states that the petitioner had made indecent proposal to her. However, none of the witnesses claimed that they had last seen the victim with the petitioner. Post mortem report shows presence of foul smell and alcohol in the stomach. Cause of death has been kept pending awaiting chemical examiner's report.
4. In view of the aforesaid inconclusive materials and as the case is based on circumstantial evidence, we are inclined to grant bail to the petitioner.

5. 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 CJM, North 24 Parganas at Barasat 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.

6. 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.

7. The application being CRM (DB) 3183 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)