

23.08.2023
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 3298 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Goalpokher Police Station Case No.119 of 2023 dated 14.03.2023 under Section 302 of the Indian Penal Code. (G.R. Case No.641 of 2023)

And

In Re: **Goutam Singh**

... .. Petitioner

Mr. Kunal Ganguly

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 155 days. It is further submitted there is no direct evidence connecting him with the murder. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the paramour of the principal accused viz. Monda Devi. Monda Devi had taken the child in adoption. Thereafter, the child disappeared and petitioner was seen talking with Monda Devi in a secretive manner.
3. We have considered the materials on record. Nothing is placed on record to show that the petitioner used to live with Monda Devi. He did not have control and custody over the minor who was murdered. Materials on record show when the minor went missing, Monda Devi was seen talking with the petitioner in a secretive manner. Whether such circumstances would be sufficient to form a complete chain to implicate the petitioner in the murder requires to be assessed during trial. Keeping in mind the materials on record, extent of complicity of

the petitioner in the alleged crime and as investigation is complete and there is no possibility of abscondence of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Goutam Singh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur subject to condition that the said petitioner 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)