

28.08.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 3348 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2023 in connection with Uttarpara Police Station Case No.123 of 2023 dated 09.04.2023 under Sections 304/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.808 of 2023)

And

In Re: ***Bhuban Das***

... .. Petitioner

Mr. Soumik Ganguli
Mr. Dilip Kumar Sadhiu

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

1. Petitioner is the father-in-law of the victim.
2. It is submitted on behalf of the petitioner that he is in custody for about 104 days. It is further submitted there was illicit relationship between one Biswajit Mondal and the daughter of the petitioner. Over this issue, Biswajit committed murder. Petitioner has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
3. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner and his wife had brought the victim to his residence. Thereafter, Biswajit committed murder.
4. We have considered the materials on record. With regard to the circumstance that petitioner and his wife had brought the victim to his residence, prosecution has relied on the statement of the father of the deceased. We have examined the said statement. The statement appears to be equivocal. While alleging petitioner and his

wife took away his son, the witness admitted he was unaware of his son going away from the house. Credibility of his version requires to be thrashed out during trial. Apart from this statement there is nothing on record to show petitioner had called or induced the victim to come to his house. Victim is his son-in-law and it is not improbable that he had come to his house out of his own volition. Alternate hypothesis that co-accused viz. Biswajit committed murder with a different motive which was not shared by the petitioner cannot be ruled out. Investigation is complete. Whether the incriminating circumstances unerringly point to the guilt of the petitioner may be assessed during trial. There is no chance of his abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Bhuban Das**, 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, Serampore, Hooghly 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.
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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

