

13.09.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3386 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2023 in connection with Kulti Police Station Case No.338 of 2023 dated 01.07.2023 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No.1802 of 2023)

And

In Re: ***Md. Parwez & Anr.***

... .. Petitioners

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly
Mr. Tirupati Mukherjee
Ms. Ritu Das

... .. for the petitioners

Mr. Suman De
Mr. Abhinaba Mukherjee

... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Bibaswan Bhattacharya

... .. for the State

1. Heard the learned Advocates appearing for the respective parties.
2. Further report with regard to the cause of death is placed on record.
It appears from the report death is apparently suicidal. This improbabilises the allegation of homicidal death.
3. Materials on record do not show any instigation on the part of the petitioners to the victim to commit suicide. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioners i.e. 72 days, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Md. Parwez & (2) Nafisa Khatoon @ Nafeesha Naaz***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)