

C.R.M. (D.B.) 3579 of 2023

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No. 219 of 2022 dated 20.02.2022 under sections 365/302/201/120B/34 of the Indian Penal Code.

And

In the matter of : Gopal Barman

Mr. Sekhar Kr. Basu, Sr. Adv.
Mr. Antarikhya Basu
Ms. Madhumita Basak
Mr. Sayan Mukherjee

... ... for the petitioner

Mr. Noguive Ahamed, APP
Ms. Amita Gour

... ... for the State

1. Petitioner is in custody for 557 days. He submits he has been falsely implicated. There is no development in the matter since rejection of bail by this Court. He prays for bail.
2. Learned lawyer for the State submits the petitioner is the stepson of the victim lady. He admitted his guilt. Statements of witnesses show he and others had buried the body of the victim in a canal. Body was recovered from the canal.
3. We have considered the materials on record. Extent of complicity of the petitioner and the nature of evidence collected may be assessed during trial. There is no direct evidence that he had murdered his mother. There is also no progress in the matter since rejection of bail by this Court.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner shall 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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to the condition that the 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 the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.
8. The application for bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)