

CRM (DB) 3651 of 2023

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk P.S. Case No. 829 of 2022 dated 14.09.2022 under sections 302/201/34 of the Indian Penal Code and sections 25/27 of the Arms Act.

And

In the matter of : Soumendra Nath Ghosh

Mr. Soubhik Mitter
Ms. Rajnandini Das

... ... for the petitioner

Mr. Nuguive Ahamed, APP
Ms. Trina Mitra

... ... for the State

1. Petitioner is in custody for eight months. He submits co-accused have been enlarged on bail. There is no direct evidence that he murdered the victim. He renews his prayer for bail.
2. Learned lawyer for the State submits that the petitioner was present in the vehicle which was used to dispose of the dead body. Mobile phone of the deceased was recovered from his possession.
3. We have considered the materials on record. Co-accused who are on bail were also present along with the petitioner at the time of disposal of the dead body. There is no material to show petitioner had committed the murder. Whether recovery of the mobile phone would be clinching evidence in the light of other attending circumstances may be assessed during trial. There is 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, Purba Medinipur 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.)