

27.09.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3734 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Pandua Police Station Case No.421 of 2022 dated 13.09.2022 under Section 302 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/34 of the Indian Penal Code. (G.R. Case No.2214 of 2022)

And

In Re: ***Tarapada Bachar***

... .. Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Mr. Arijit Ganguli

Mr. Dipankar Pramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 378 days. It is further submitted petitioner is not the principal accused. Statements of witnesses before Magistrate do not implicate him in the murder. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits witnesses disclosed the role of the petitioner before police.
3. We have considered the materials on record. Though witnesses disclosed role of the petitioner in the murder before police, their statements before Magistrate do not implicate him. In view of the aforesaid dichotomy and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Tarapada Bachar***, 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 Chief Judicial Magistrate, 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.

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.)