

26.09.2023  
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allowed

CRM(DB) No. 3740 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No. 166 of 2023 dated 10.07.2023 under Sections 306/34 of the Indian Penal Code.

And  
In Re : Sirajul Islam ..... petitioner

Mr. Kaushik Choudhury  
.....for the petitioner

Mr. Binay Panda  
Mr. Subham Bhakat  
..... for the State

1. Learned Counsel for the petitioner submits victim had a love affair with the co-accused. Out of depression he committed suicide. He is a relation of the said co-accused. Petitioner has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Witnesses claimed the victim had been murdered. But post mortem report shows the cause of death is hanging which is indicative of suicidal death. In view of the aforesaid dichotomy and period of detention suffered by the petitioner i.e. 58 days, we are inclined to grant bail to him.

4. Accordingly, we direct that 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 Additional Chief Judicial Magistrate Gangarampur at Buniadpur, Dakshin Dinajpur, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**