

09.10.2023
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allowed

CRM(DB) No. 3876 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 384 of 2022 dated 17.04.2022 under Section 302 of the Indian Penal Code.

And

In Re : Ashanur Golder @ Haran petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya

.... for the State

1. Learned Counsel for the petitioner submits he is the son of the victim. Victim i.e. father of the petitioner used to torture his mother. He suffered homicidal death at his residence. Out of mere suspicion petitioner has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had an altercation with the victim in the morning. On his leading statement firearm and cartridges were recovered.

3. We have considered the materials on record. Victim is the father of the petitioner. He used to misbehave with his mother. He suffered homicidal death. This gives motive to the petitioner to commit the crime. But there is no direct evidence that the petitioner had murdered his father. Neither do the witnesses state that petitioner was in the house when the incident

occurred. Ballistic report does not support the prosecution case that the cartridges recovered from the petitioner matched with the bullet found in the body of the victim. In view of the scanty materials on record, we are inclined to grant bail to the petitioner.

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, at Bongaon, North 24 Parganas, subject to conditions 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)