

17.10.2023
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allowed

CRM(DB) No. 3898 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 93 of 2022 dated 08.03.2022 under Sections 306/34 of the Indian Penal.

And

In Re : Asik Sk. @ Lalan Sekh petitioner

Md. Golam Nure Imrohi
.....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Ms. Faria Hossain
Ms. Mamata Jana
.... for the State

1. Heard the learned Counsels for the parties.
2. Investigating officer is present in Court. Report is submitted. In the report it is recorded 'frothing' was noted in the inquest report and post mortem report referred to presence of pungent smell from the stomach. However, viscera did not show presence of poison. Investigation is complete and charge-sheet has been filed under Section 306 of the Indian Penal Code. No suicide note of the victim is placed on record. Under such circumstances we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
3. 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, Lalbag, Murshidabad, 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.

4. 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.

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

6. Presence of the investigating officer is noted and dispensed with.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)