

20.11.2023
33
sdas
allowed

CRM(DB) No. 4206 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nayagram Police Station Case No. 62 of 2020 dated 24.07.2020 under Sections 302/497/120B/34 of the Indian Penal Code.

And

In Re : Ananta Mahata @ Mahato & Ors. petitioners

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Mr. Subhrajyoti Dey

....for the petitioners

Ms. Zareen N. Khan
Md. Kutubuddin

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for 60 days. It is also submitted that charge-sheet has been filed under Section 306 of the Indian Penal Code. There is no material to show petitioners have abetted suicide of the victim lady.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners had absconded for three years.

3. We have considered the materials on record. Though FIR was registered under Section 302 of the Indian Penal Code charge-sheet has been filed under Section 306 of the Indian Penal Code. No suicide note has been left behind by the victim. Though it is contended petitioners had absconded for a protracted period of time they appear to have permanent home and hearth and strong roots in society. Investigation is complete. Under such

circumstances further detention of the petitioners is not necessary and they may be granted bail.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhargram, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)