

02.11.2023
Ct No.8
sl 53/tkm

CRM (DB) 4225 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Gobardanga Police Station Case No. 74 of 2022 dated 24.3.2022 under Sections 498A/304B/302/306/34 of the IPC.

And

Allowed In the matter of: **Abhishek Mukherjee**

... Petitioner.

Ms. Rajnandini Das
Mr. Syed Murshed Alam

... for the petitioner.

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali

... for the State.

1. Learned counsel for the petitioner argues that the case of alleged poisoning sought to be made out against the petitioner by the prosecution is not established by cogent evidence. By relying on various statements of the co-accused persons and a cousin, it is argued that the said statements do not directly indict the petitioner in any manner in the alleged poisoning of the victim.

2. That apart, two other co-accused persons, being the parents of the petitioner and the in-laws of the victim, have already been enlarged on bail.

3. Learned counsel for the State opposes the prayer for bail and places reliance on the medical report and the other statements made by the witnesses to argue that a sufficient case has been made out against the petitioner.

4. However, we find that insofar as the offence of alleged poisoning is concerned, the case against the petitioner is at best circumstantial. In any event, there is nothing to indicate the necessity of further incarceration of the petitioner or custodial trial.

5. Accordingly ,CRM (DB) 4225 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnish individual bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, North 24 Parganas at Barasat. The sureties may be common in respect of the petitioner.

6. The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

7. It is made clear that in the event some exigency prompts the petitioners to leave the territorial jurisdiction of the trial court, it will be open to the petitioners to take leave of the jurisdictional court for such purpose.

(SABYASACHI BHATTACHARYYA, J.)

(PARTHA SARATHI CHATTERJEE, J.)