

18.12.2023.
103.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4331 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga P.S. Case No.160 of 2022 dated 07.03.2022 under Sections 302/201/120B/34 of the Indian Penal Code and charge sheet submitted under Section 120B of the Indian Penal Code.

In the matter of : **Rakibul Jomader @ Roko @
Rakibuddin Jomader.**

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Niladri Sekhar Ghosh,
Mr. S. S. Saha.

...for the Petitioner.

Ms. Baisali Basu.

...for the State.

Mr. Mujibar Ali Naskar.

...for the victim/wife.

1. Petitioner is in custody for one year and nine months. He contends the investigation has been conducted in an unfair manner to protect the real offenders. In fact, wife of the deceased has taken out an application under Article 226 of the Constitution of India praying for re-investigation and bringing the real offenders to book.

2. In view of the aforesaid submission, wife of the deceased was directed to be a party in the proceeding.

3. We have heard the learned Advocate for wife of the deceased. He contends petitioner is no way connected with the crime.

4. This is opposed by the learned Advocate for State. She contends statements of witnesses implicate the petitioner in the crime.

5. We have considered the materials on record. Though statements of witnesses implicate the petitioner in the crime, wife of the deceased contends the said statements are product of a biased investigation. Real offenders have not been implicated.

6. In view of the aforesaid dichotomy in the prosecution case, we are of the opinion no worthwhile purpose would be served to continue detention of the petitioner in custody. Hence, he may be enlarged on bail.

7. Accordingly, 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 Chief Judicial Magistrate, North 24-Paraganas at Barasat subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall meet the Officer-in-charge, Deganga Police Station once in a week until further order.

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

9. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

