

21.12.2023
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allowed

CRM(DB) No. 4685 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haridevpur Police Station Case No. 289 of 2022 dated 07.10.2022 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Sujit Kumar Yadav @ Sujit Kumar Jadav Petitioner

Mr. Arindam Jana
Mr. Arhan Sengupta

....for the petitioner

Ms. Anasuya Sinha
Mr. Gautam Wilson

.... for the State

1. Learned Counsel for the petitioner submits he was not present at the time when the victim was murdered. Allegation against him relates to arranging a vehicle to transport the dead body. Co-accused Dipak Jana is on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits there were telephonic conversation between the petitioner and co-accused even prior to the incident.

3. We have considered the materials on record. Victim had illicit relationship with the wife and daughter of the co-accused Dipak Jana. Over this issue son of Dipak Jana a juvenile, committed murder. Petitioner arranged the vehicle to dispose of the dead body. In view of the aforesaid materials on record it is difficult to come to a conclusion that petitioner played a role in the murder. Keeping in mind the extent of complicity of the petitioner in the crime and period of detention suffered by him, 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 Sessions Judge 8th Court, Alipore, South 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)