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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (DB) 81 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Birpara Police Station Case No. 187 of 2022 dated 10.12.2022 under Sections 302 of the Indian Penal Code.

In the matter of : Anil Pradhan

... petitioner

Mr. Sabir Ahmed,
Mr. Hillol Saha Poddar,
Ms. Mousumi Das

...for the petitioner

Mr. Ujjwal Luksom,
Mr. Dhiman Sil

.....for the State.

Heard learned counsel appearing for the parties.

Learned counsel appearing for the petitioner has raised sufficient presumption of doubt inasmuch as there was apparent provocation behind the incident. That apart, in the circumstances of the case, there is some doubt as to whether the ingredients of Section 302 of the Indian Penal Code are satisfied.

Learned counsel appearing for the State opposes the prayer for bail.

However, in view of the above circumstances of the case and the fact that the petitioner is a primary school teacher

and resides in the locality, we are of the opinion that bail ought to be granted to the petitioner since the petitioner has no scope of evading the due process of law.

Accordingly, CRM (DB) 81 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate (Second Court) at Alipurduar. The petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and meet the Investigating Officer once in a fortnight till completion of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)