

03.07.2023
Item no.19.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (DB) No. 277 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with Haldibari Police Station Case No. 58 of 2023 dated 26.03.2023 under Section 306 of the Indian Penal Code.

And

In the matter of : Chiranjit RoyPetitioner.

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar,for the Petitioner.

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdar,for the State.

Heard learned advocate for the petitioner and the learned advocate for the State.

In support of the application for bail, it is contended on behalf of the petitioner that considering the fact that the present accused petitioner's involvement in the alleged crime is absolutely remote and also considering his period of detention, the present application for bail may be considered favourably.

While opposing the prayer for bail learned advocate for the State draws our attention to the statement of the son of the deceased as recorded under Section 164 of the Code of Criminal Procedure.

On perusal of the entire material as placed before this Court, it appears that the allegation as made by the son of the deceased in his statement under Section 164 regarding homicidal death of the deceased particularly gets no support from the P.M. report of the deceased.

Considering the discrepancy we are prima facie of the view that it is a fit case to exercise our discretion under Section 439 of the Code of Criminal Procedure.

Accordingly, we direct that the petitioner namely **Chiranjit Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)