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

CRM (DB) 452 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.08.2023 in connection with Dinhata Police Station Case No. 108 of 2023 dated 04.03.2023 under Sections 302/201/34 of the Indian Penal.

In the matter of : Dulu Barman

... petitioner

Mr. Sudip Guha

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra

.....for the State.

1. The petitioner contends that the petitioner was apprehended in Jammu and Kashmir for an offence perpetrated allegedly in West Bengal. It is contended that there is no direct nexus between the alleged crime and the petitioner.
2. It is submitted that the petitioner is in custody from May this year and charge sheet has already been filed.
3. Learned counsel appearing for the State vehemently opposes the prayer for bail. It is contended that the petitioner has been apprehended by the police from Jammu and Kashmir and was trying to escape the crime scene. It is further argued that the release of the petitioner on bail shall vitiate the entire trial.

4. As it appears from the submissions of the parties, the proximity between the alleged crime and the petitioner's alleged involvement is far-fetched, at least *prima facie*.

5. First, no eye-witness has corroborated the allegation that the petitioner was there in the crime scene at all. Although the nature of crime is heinous insofar as the body was mutilated, even the family members of the victim, apparently, had not lodged any complaint against the petitioner initially. The only ground which seems to play in the mind of the prosecution for the present is that the petitioner had an illicit relationship with the victim lady. However, mere illegitimacy of a relationship, even if established, does not establish a direct nexus to the crime alleged.

6. Moreover, since the charge sheet has already been submitted, we do not find any reason to further curtail the personal liberty of the petitioner, of course, subject to certain stipulations.

7. Accordingly, CRM (DB) 452 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs. 20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata. The petitioner shall not leave the territorial jurisdiction of the Trial Court

during the entire period of trial and shall attend on each and every date of trial.

8. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)