

AD-32
Ct No.01
Jalpaiguri
12.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 559 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **06.09.2023** in connection with **Jaigaon** Police Station Case No. **267** of **2022** dated **08.11.2022** under Section **302** IPC, corresponding to Sessions Case No. **49** of **2023**.

And

In the matter of: BABLU PRASAD @ JAISWAL

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Kallol Acharjee
Mr. Subhasish Misra

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for 308 days and the charge sheet has been filed.
2. It is further submitted that as an outcome of a quarrel between the petitioner and his wife, the victim, there was an altercation and/or tussle which led to the demise of the victim. However, it is denied that the petitioner was guilty of murdering his wife under Section 302 of the IPC.
3. Learned counsel for the State opposes the prayer for bail.
4. Despite the allegations against the petitioner being of a serious nature, keeping in view the period of custody of the petitioner and since there is no reason of apprehension

against the petitioner justifying custodial trial, we are inclined to grant bail to the petitioner on the usual conditions.

5. In such view of the matter, CRM (NDPS) 559 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the CJM, Alipurduar.
6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)