

October 18, 2023.

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

CRM(DB) 639 of 2023

In re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 16.10.2023 in connection with Pradhannagar P.S. Case No.140 of 2023 dated 03.03.2023 under Section 306 of the Indian Penal Code.

In the matter of: Rahul Gupta

.... Petitioner.

Mr. Amales Roy,
Mr. Arnab Sengupta,
Mr. Abhilash Mittal,
Ms. Meghana Joshi

... for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Arjun Chowdhury

... For the State.

Heard learned Advocates appearing for the parties.

This is an application for bail under Section 439 of the Cr. P.C..

Learned Advocate appearing for the petitioner submits that the present petitioner has been falsely implicated in this case and there is an unexplained delay of 10 days in lodging the FIR. He submits that the present petitioner is languishing in jail custody for 27 days.

Learned Advocate representing the State vehemently opposes the prayer for bail of the present petitioner.

We have perused the case diary and other materials on record including the post mortem report and inquest report and the statement of the witnesses recorded under Section 161 of the Cr.P.C.

On such hearing and on perusal of the records, we are of the considered view that in the facts and circumstances of the case further detention of the present petitioner will not serve any purpose. In view thereof, present petitioner may find bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Ld. ACJM, Siliguri subject to the condition that the petitioner shall meet the Investigating Officer once in a week and shall co-operate with the Investigating Officer and shall not leave the jurisdiction of the local Police Station without the leave of the concerned court.

CRM 639 of 2023 is disposed of.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)