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C.R.M. (DB) No. 25 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Deganga Police Station Case No. 160 of 2022 dated 07.03.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Sahabuddin Jomader ..... petitioner

Mr. Angshuman Chakraborty  
Mr. Niladri Sekhar Ghosh

.....for the petitioner

Mr. Abhra Mukherjee  
Mr. Arif Ekbal Molla

.....for the State

Mr. M. A. Naskar

..... for the wife of the deceased  
victim

1. Learned Counsel for the petitioner submits he is in custody for one year and nine months. He contends the investigation was done in an unfair manner and he was falsely implicated. Even wife of the deceased admitted this fact and prayed for further investigation. Under similar circumstances, co-accused have been enlarged on bail. He prays for bail.

2. Learned Counsel for the State produces the case diary.

3. We have also heard the learned Counsel for the wife of the deceased.

4. We have considered the materials on record. Wife of the deceased doubted the fairness of the investigation. In this backdrop possibility of false implication cannot be ruled out.

Co-accused have been enlarged on bail Accordingly, we are inclined to extend the same privilege to the petitioner also.

5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24 Paraganas at Barasat, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall meet the Officer-in-Charge, Deganga Police Station once in a week until further orders.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**