

29.04.2024
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 1243 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2024 in connection with Panskura Police Station Case No.85 of 2018 dated 19.02.2018 under Sections 302/201 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No.315 of 2018)

And

In Re: **Subha Maity @ Suman**

... .. Petitioner

Mr. Arindam Jana
Ms. Tanusree Kar
Mr. Partha Sinha
Mr. Sabir Biswas

... .. for the petitioner

Mr. Antarikhya Basu
Ms. Dhanasree Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted petitioner is not the principal accused. His father had tried to misbehave with his wife. In retaliation, his wife viz. Barsha Maity murdered his father. Barsha has been enlarged on bail. There is no possibility of conclusion of trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits Barsha had made extra-judicial confession implicating the petitioner.
3. We have considered the materials on record. Petitioner is the son of the deceased. Deceased had tried to sexually attack the petitioner's wife. In exercise of her right to private defence, she murdered him. Petitioner is not the principal accused. His wife was enlarged on bail earlier and we are informed she has committed suicide. There is no

possibility of trial concluding in the near future. Petitioner has suffered incarceration for more than six years.

4. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Subha Maity @ Suman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur at Tamluk subject to condition that the said 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.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)