

06.05.2024
tkm/ct 28
sl no. 39

C.R.M. (DB) 1427 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar P.S case no. 2091 of 2023 dated 18.12.2023 under sections 302/201/34 IPC
and

Allowed

In Re : Kishmat Malpahari @ Dipak

..... petitioner

Mr. Rhiddhiman Mukherjee

Mr. A Roy

..... for the petitioner

Mr. Suman De

Ms. Snigdha Saha

..... for the State

1. Petitioner is in custody for 138 days. He submits he is in no way connected with the incident i.e illicit relationship between Anita Malpahari and Rinku Pahari which resulted in the death of the latter. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. We have also examined the statement of Anita Malpahari. She stated Bishal Pahari, Ajit Pahari and the petitioner had taken away the victim with whom she was in a compromising position. Thereafter the victim was murdered. Principal accused i.e. Bishal Pahari, Ajit Pahari have been enlarged on bail.
4. Under such circumstances we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 CJM Malda on condition that the petitioner shall appear before

the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fail to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 1427 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)