

06.05.2024
tkm/ct 28
sl no. 41

C.R.M. (DB) 1432 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Titagarh P.S case no. 656 of 2015 dated 6.9.2015 under section 364 IPC charge sheet submitted under sections 302/201 IPC

Allowed

and
In Re : Gourhari Singh petitioner

Mr. Moyukh Mukherjee
Mr. P Saha
Mr. Abhijit Singh
Mr. B Iqbal

..... for the petitioners

Mr. Antarikhya Basu
Mr. Debanshu Ghorai

..... for the State

1. Petitioner submits he was not named in the FIR. He was implicated in the charge sheet filed in 2022. In 2023 warrant was issued. He prayed for anticipatory bail which came to be turned down in 2024. Thereafter he surrendered. He prays for bail.
2. Learned lawyer for the State submits petitioner had absconded. He participated in the abduction and murder of the victim. Dead body has not yet been recovered.
3. We have considered the materials on record. Petitioner was not named in the FIR. His complicity has transpired from the statement of co-accused and he was implicated in the charge sheet filed in 2022. Petitioner surrendered in 2024 after his prayer for pre-arrest bail was turned down. Though petitioner had absconded for sometime, we note that there is hardly any legally admissible material connecting him with the murder. Principal thrust of the prosecution case against him are statements of co-accused before police officer.

4. In view of aforesaid clinching nature of evidence on record we are inclined to grant bail to the petitioner however, subject to conditions.

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 ACJM Barrackpore, north 24 Parganas 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 and on further condition that the petitioner, while on bail, shall meet Officer-in-Charge, Titagarh P.S once in a month until further orders.

6. In the event he fails 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) 1432 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)