

10.05.2024.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1489 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur (Local) P.S. Case No.99 of 2024 dated 07.02.2024 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : **Susanta Bouri @ Bauri.**

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha.

...for the Petitioner.

Mr. Sandip Chakraborty,
Ms. Puja Goswami.

...for the State.

1. Petitioner submits he is in custody for 93 days. There is no direct evidence connecting him with the murder. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had illicit relationship with the wife of the deceased. Accordingly, he bludgeoned the deceased to death. On his leading statement stone used to murder the deceased was recovered.
3. We have considered the materials on record. The case is based on circumstantial evidence. Statements of witnesses disclose there was illicit relationship between the petitioner and the wife of the deceased. This gives motive to commit the crime. The other incriminating circumstance relied by the prosecution is recovery of the weapon of offence i.e. stone on the leading statement of the victim. We note recovery was made from an open space which was near the dead body. These facts ought to

be borne in mind to test the veracity of the prosecution case with regard to recovery on the disclosure statement of the petitioner. Investigation is complete. There is no chance of abscondence.

4. Under such circumstances, we are inclined to enlarge the petitioner on bail.

5. Accordingly, the petitioner viz., **Susanta Bouri @ Bauri** 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, Paschim Medinipur subject to condition that he 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 the 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. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)