

11.06.2024
Item no.27.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1562 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Murshidabad Police Station Case No. 73 of 2024 dated 01.02.2024 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.
And

In the matter of : Jhuman Roy @ Jhumal Roy @ Jhumol

Roy.

.....Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Tapodip Gupta,
Mr. Suman Bhanja,for the Petitioner.

Mr. Sandip Chakraborty,
Mr. Asif Dewan,for the State.

The charge is of murder and conspiracy. The Sections invoked are 302, 120B and 34 of the Indian Penal Code. Sections 25 and 27 of the Arms Act have also been pressed into service.

The petitioner says that the entire incident took place at a marriage party. He had no major role to play in the incident. He is in custody for 118 days. Investigation is complete. Charge-sheet has been filed. He is a senior citizen aged about 62 years. There is no reason to further detain him in custody. He should be granted bail on such condition as this Court may decide.

Learned advocate for the State produces the case diary and draws our attention to the Post Mortem Report. He also places

before us statements of three witnesses recorded under Section 164 of the Code of Criminal Procedure. None of those three witnesses named the present petitioner.

On an overall consideration of the facts and circumstances of the case, the material on record, the prima facie incriminating evidence against the petitioner and given the fact that the investigation is complete and also that the petitioner is a senior citizen, we are inclined to allowed the present application but on certain terms and conditions.

Accordingly, we direct that the petitioner, namely **Jhuman Roy @ Jhumal Roy @ Jhumol Roy** 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)