

30.05.2024
Item No.17
Ct. No. 8
CHC/ S.De
Allowed
(VACATION BENCH)

C.R.M.(DB) 1729 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **English Bazar** Police Station Case No. **92/2024** dated **16.01.2024** under Sections **302, 34** of the Indian Penal Code.

And

In the matter of : Debu Ghosh

..... petitioner

Mr. Sagar Saha

....for the petitioner

Mrs. Amita Gour,

Mr. Santanu Deb Roy

....for the State

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 129 days and the other two persons who have been implicated in the instant case have been released on bail.

Learned advocate for the petitioner also submits that the petitioner may be released on bail on any stringent condition as there are 16 witnesses on whom the prosecution has relied upon to prove its case and as such there is no scope of the trial being completed in near future.

Mrs. Gour, leaned advocate appearing for the State has produced the Case Diary and drawn the attention of this Court to the Post Mortem Report as well as statements of the witnesses.

We have considered the nature of complicity for which the petitioner has been arrayed in connection with the instant case,

the period of detention and also taken into account the locus of the accused persons who are on bail as also the situational parity in comparison with the present petitioner.

Having regard to the same, we are of the opinion that the petitioner may be released on bail.

Accordingly, the petitioner shall furnish a bond of Rs.10,000/-(Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of Learned Chief Judicial Magistrate, Malda. If on bail, the petitioner shall not leave the jurisdiction of the District of Malda without the permission of the Learned C.J.M., Malda or the learned Trial Court in seisin of the matter.

Till the charges are considered by the Learned Sessions Judge/Trial Court, the petitioner shall once in every 10 days meet with the Inspector-in-Charge of English Bazar Police Station and would make himself available before the learned Trial Court. Any violation of condition of the bail will entitle the Learned C.J.M., Malda and/or the Trial Court in seisin of the matter to cancel the bail without further reference to this Court.

This application for bail is, thus, allowed.

CRM(DB) 1729 of 2024 is disposed of.

(Tirthankar Ghosh, J.)

(Biswaroop Chowdhury, J.)