

44.
05-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1927 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No.243 of 2024 dated 10-03-2024 under Sections 302/34 of Indian Penal Code.

- A n d -

In the matter of : Pulak Chowhan @ Amit Chowhan

.... Petitioner.

Mr. Nirupam Dhali,
Ms. Priya Chakraborty

... For the Petitioner.

Mr. Suman De,
Ms. Snigdha Saha

... For the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned advocate for the petitioner has submitted that the petitioner has been languishing in judicial custody for about 116 days and there is no direct evidence or material showing that he conspired to administer poison to the deceased. The investigation is complete. He may be enlarged on bail.

Learned advocate for the State has raised objection to the prayer of the petitioner for bail. According to him, there are statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure implicating the present petitioner. The post mortem report also shows that the death of the deceased was due to the effect of poisoning and ante-mortem in nature.

After considering the material on record including the statement of the defacto-complainant recorded under Section 164 of the Code of Criminal Procedure, we are of the view that

since investigation is complete, there is no need for further custodial detention of the present petitioner.

Accordingly, we direct that the petitioner, namely, **Pulak Chowhan @ Amit Chowhan**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Sessions Judge, Uttar Dinajpur, Raiganj. 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 in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every week until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1927 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)