

23.
Court
No.28

14.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2070 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jagatballavpur** Police Station Case No. **58/2024**, dated **15.3.2024** under Sections **302/34** of the Indian Penal Code.
And

In the matter of: - **Palash Ghuku & Anr.**

Mr. Milon Mukherjee, Ld. Sr. Adv.
Mr. Soumya Basu Roy Chowdhuri
Mr. Malay Mukherjee

...petitioners.

Mr. Soumik Ganguly
Mr. Jisan Iqubal Hossain

...for the petitioners.

Mr. Tapas Maity
Mr. Ritwik Majhi

...for the State.

...for the *de facto* complainant.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioners that the present accused petitioners have been implicated in the instant case out of mere suspicion.
2. Learned Counsel for the State as well as learned Counsel for the *de facto* complainant opposes the prayer for bail.
3. On perusal of the entire material placed before this Court it appears that prior to commission of the alleged crime, the present accused petitioners were in the company of the deceased. The post mortem report does not reflect that the death is homicidal in nature though the autopsy surgeon noticed head injury on the dead body.

4. Considering the entire circumstances and in particular that investigation has already been completed, we are of the view that further custodial detention of the present two accused petitioners are not necessary. Accordingly, we are inclined to allow the petitioners' prayer for bail.

5. Accordingly, we direct that the petitioners, namely, **1. Palash Ghuku, 2. Dipak Ghuku** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that the petitioners shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2070 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)