

14.08.2024
Item no. 41.
Court No.28.
AB
(Allowed)

CRM (DB) 2116 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No.74 of 2024 Dated 16.1.2024 under Sections 498A/304B 306/406/34 of the Indian Penal Code read with Section 4 of the DP Act

And

In the matter of : Bibek Das

.....Petitioner.

Mr. Amartya Ghosh,
Mr. Souryadeep Ghosh

.....for the Petitioner.

Mr. Sujan Chatterjee

.....for the State.

Dictated by Partha Sarathi Sen, J.

1. Heard Mr. Ghosh, learned Advocate appearing for the petitioner.
2. It is submitted by Mr. Ghosh, learned Advocate for the petitioner that considering the period of detention and considering the fact that the present accused petitioner is not involved in the alleged crime, the instant application for bail may be considered favourably.
3. Prayer for bail has been opposed on behalf of the State.
4. On perusal of the post mortem report of the victim, it reveals that death is due to the effect of shock and asphyxia in a case of hanging. Admittedly, there are some incriminating statements of the witnesses as recorded under Section 161 Cr.P.C. as against this

petitioner, but in our considered view, prima facie those appear to be omnibus in nature. Hence, we are inclined to allow the present application for bail.

5. Accordingly, we direct that the petitioner, namely, **Bibek Das** 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, Nadia, and on further conditions that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. until further orders and he shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

