

11.09.2024
Ct. No. 06
SL No. 58
S.De

C.R.M. (DB) 2668 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mohanpur P.S. Case No. 240 of 2022 dated 22.11.2022** under **Sections 302/201/379/411/34** of the Indian Penal Code.

And

In the matter of: **Tanu Bhowmik @ Tanu Bhowmick.**

Mr. Debasis Kar, ...for the Petitioner.

Mr. Partha Pratim Das,
Ms. Kanchan Ray,for the State.

1. Petitioner is in custody for 1 year 10 months. He submits that there was no direct evidence connecting with the mother. He prays for bail.
2. Learned advocate for the State opposes the prayer for bail. He contends that the case diary and other digital evidence show, the petitioner was present in and around the place of occurrence. He had called the victim to his residence in the morning.
3. We have considered the materials on record. The case is based on circumstantial evidence. Petitioner is in custody for more than 1 year 10 months. It is to be adjudicated during trial whether the digital evidence and other materials on record are sufficient to establish a complete chain unerringly pointing to the guilt of the petitioner or not.
4. Under such circumstances we are of the opinion further detention of the petitioner is not necessary. The movement of the petitioner requires to be restricted to ensure his attendance during trial.
5. Accordingly, we direct the petitioner viz. **Tanu Bhowmik @ Tanu Bhowmick** 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, Barrackpore subject to the condition that the

petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall remain within the jurisdiction of Mohanpur P.S. save and except attending court proceedings and shall report to the Officer-in-Charge of the Mohanpur P.S. once in a week until further orders.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)