

07.11.2024
Sl. No.65
akd
[ALLOWED]

C. R. M. (DB) 2989 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 03.09.2024 in connection with Jiaganj Police Station Case No.98 of 2024 dated 27.03.2024 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.1181 of 2024)

And

In Re: ***Dilip Haldar & Anr.***

... .. Petitioners

Mr. Ali Ahsen Alamgir
Ms. Rabia Khatoon
Ms. Soma Das
Ms. June Modak

... .. for the petitioners

Mr. Dibyendu Bhattacharyya
Mr. Pratip Bera
Ms. Sananda Bhattacharyya

... .. for the de-facto complainant

Mr. Ranabir Roy Chowdhury .. Sr. Govt. Advocate
Mr. Amanul Islam

... .. for the State

1. It is submitted on behalf of the petitioners the victim died due to accidental drowning. Petitioners have been falsely implicated. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioners had gone out with the victim on a boat on the day of *Holi*. Victim accidentally fell into the water and died. Post mortem report discloses death due to drowning. There is no direct evidence the petitioners had pushed the victim into the water. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.

5. Therefore, the petitioners, namely **(1) Dilip Haldar & (2) Lab Chowdhuri**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)