

13.05.2024
Sl. No.54
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 159 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.03.2024 in connection with Maynaguri Police Station Case No.116 of 2023 dated 05.04.2023 under Section 302 of the Indian Penal Code.

And

In Re: **Joggeshwar Roy**

... .. Petitioner

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Subhasish Misra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than 400 days. It is further submitted there is no direct evidence connecting the petitioner with the murder. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner and the victim had dinner and drinks. Thereafter, the victim was found dead near the river bank.
3. We have considered the materials on record. Prosecution primarily relies on the 'last scene theory' i.e. petitioner and the victim had dinner and drinks in a hotel. Whether the aforesaid circumstance is sufficient to bring home the guilt may be assessed during trial. Investigation is complete. There is no chance of abscondence. In view of the aforesaid facts and the period of detention suffered by

the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Joggeshwar Roy**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that the said petitioner 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.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)