

41. 07.11.2024
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (DB) 521 of 2024

In Re: - An application for bail under 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Nagrakata** Police Station Case No. **183/2023** dated **28.11.2023** under Sections **498A/302** of the Indian Penal Code, 1860.

And

In the matter of: - **Binod Majhi**

...petitioner.

Mr. Bibek Tarafder
Ms. Gopal Roy
Ms. Rishita Chakraborty

...for the petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Chattu Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. The prosecution case is that the petitioner killed his wife and then went to the Police Station and confessed. The petitioner says that such a confession is not admissible in evidence. There is no incriminating material against him. He is a daily-rated labourer working in a tea garden. On the fateful day he returned home and found that his wife was lying dead. He had in fact gone to the Police Station to lodge a complaint when he was detained and then arrested. He prays for bail.
2. While opposing the prayer for bail learned Advocate for the State draws our attention to the post mortem report. He also

shows us statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973.

3. On an overall consideration of the material on record, *prima facie* we do not find anything which implicates the petitioner. He is in custody for 346 days. Charge was framed on April 23, 2024. Witness action has not yet begun even after almost seven months. There are 18 charges-sheet named witnesses. There is little possibility of an early conclusion of the trial. We also see no real possibility of the petitioner absconding or tampering with evidence.
4. We are, therefore, inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Binod Majhi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 4th Court at Jalpaiguri, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Nagrakata Police Station and

shall also report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a week, until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 521 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all necessary formalities.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)