

17.07.2025

Item No.35

Ct.No.34

rc.

Allowed

C.R.M. (M) 831 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No. 404 of 2024 dated 31.05.2024.

And

In Re : **Jahar Bhakta**

... Petitioner

Sk. Toslim Ali

Ms. Rituparna Bhadra

... for the Petitioner

Ms. Shaila Afreen

Md. E. Akhtar

... For the State

Heard learned counsels for the parties.

The petitioner filed an application for bail before this Court and upon suppressing the said fact filed a similar application before the learned trial Court. The learned trial Court granted him bail on November 27, 2024. Upon the said fact being brought to the notice of this Court, rule was issued upon the petitioner on February 23, 2025 directing him to show cause as to why the bail would not be cancelled. The bail was cancelled by an order passed on March 10, 2025. The petitioner surrendered before the learned trial Court on March 17, 2025 and is in custody till date.

Learned counsel for the petitioner submits that the postmortem report of the victim demonstrates that the victim

died by drowning. Charge sheet has been submitted. The petitioner has been falsely implicated. He prays for bail.

Learned counsel for the State opposes the prayer for bail.

I have considered the material on record. The victim died by drowning. There is prima facie evidence of torture meted out upon the victim by the petitioner and his family members. However, whether the conduct of the petitioner can be said to be the proximate cause for alleged commission of suicide by the victim shall be assessed at the appropriate stage of the proceedings.

Considering the material on record and extent of involvement of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required and he may be released on bail.

Accordingly prayer for bail is allowed.

The petitioners **Jahar Bhakta** 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, Howrah subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without justifiable cause, the

learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)