

D/L40

12.02.2025

Rohit

ct.no.26

**C.R.M. (DB) 3646 of 2024**

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No. 496 of 2024 dated 07.04.2024 under sections 498A/302/304B/34 of the Indian Penal Code.

And

In Re: **Shantanu Das @ Suntonu Das**

...Petitioner

Mr. Deep Chaim Kabir, Sr. Adv  
Mr. Mazhar Hossain Chowdhury  
Mr. Md. Zeeshan Uddin  
Ms. Sagufta Saba Yasmin

...for the petitioner

Mr. Joydeep Roy  
Mr. Atanu Ghosh

...for the State

1. Petitioner prays for bail.
2. Learned Senior Advocate appearing for the petitioner submits that the petitioner is in custody for ten months. Other co-accused were granted anticipatory bail by the High Court. He submits that the petitioner is falsely implicated in a case of murder with no materials to support the same.
3. Learned Advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including a statement of the son of the victim recorded under Section 164 of the Criminal Procedure Code as also the post mortem report of the victim.

4. Learned Advocate appearing for the State submits that, the materials in the Case Diary implicates the petitioner in a case of murder.
5. Petitioner before us is the husband of the victim.
6. We perused the post mortem report of the victim.
7. Post mortem report of the victim records one injury which is a non-continuous obliquely placed ligature mark in the form of pressure abrasion present high up around the neck. It gives the measurement of the injury. No other injury mark is noted in the post mortem report in relation to the victim.
8. The son of the victim recording the statement under Section 164 of the Cr. P.C suggest that, the victim was assaulted by the petitioner and thereafter, hanged.
9. Son of the victim claims that he was put to sleep and that he did not sleep on the fear of assault by the petitioner, his father.
10. Apart from such statement, there is hardly any other material implicating the petitioner.
11. Considering such materials in the Case Diary and particularly the statement of the son of the victim as also the post mortem report of the victim and the period of custody of the petitioner, and the fact that the police filed charge-sheet, we are inclined to grant bail to the petitioner.
12. Accordingly, we direct that the petitioner viz., **Shantanu Das @ Suntonu Das** shall be released

on bail upon furnishing a 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, Berhampore, Murshidabad** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

13. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
14. The prayer for bail of the petitioner is **allowed**.
15. The application for bail being **C.R.M. (DB) No. 3646 of 2024** is, thus, disposed of.

***(Debangsu Basak, J.)***

***(Md. Shabbar Rashidi, J.)***