

29.09.2023
SI. No.31
akd
[ALLOWED]

C. R. M. (DB) 3761 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Santipur Police Station Case No.521 of 2023 dated 24.05.2023 under Sections 306/34/302 of the Indian Penal Code. (G.R. Case No.2060 of 2023)

And

In Re: ***Dibyendu Ghosh***

... ... Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... ... for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... ... for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 127 days. It is further submitted petitioner is not the principal accused. One Samir Biswas committed murder of his wife and killed himself. Petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner blackmailed Samir Biswas by showing obscene pictures of his wife to the former. As a result, Samir murdered his wife.
3. We have considered the materials on record. Prosecution case at its height would disclose intention of the petitioner to extort money out of Samir Biswas through blackmail. Unable to bear the pressure Samir murdered his wife and committed suicide. Whether petitioner conspired or abetted Samir to commit the murder is unclear. Under such circumstances and in view of 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 ***Dibyendu Ghosh***, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia 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 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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)