

32 22.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 3755 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Barracpore** P.S. Case No. **56 of 2019** dated **09/05/2019** under Sections **302/201/379/120B/34** of the Indian Penal Code.

And

In the matter of: Md. Rashid @ Raju

....petitioner.

Mr. A. Chakraborty

...for the petitioner.

Mr. A. Mitra

...for the State.

Petitioner is in custody for about one year and seven months. Co-accused person is on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that weapon of offence i.e. knife was recovered on the leading statement of the petitioner.

We have considered the materials on record. No forensic report with regard to the presence of blood stains on the knife is placed on record. There is no eyewitness to the incident. Under such circumstances and as co-accused person is on bail, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Barracpore, North 24 Parganas, subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner

whatsoever.

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 any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)