

14 03.09.2020  
rkd Ct. No.16  
(Allowed)

**C.R.M. 5868 of 2020**  
**(CRAN 1 of 2020 (old CRAN 4286 of 2020))**  
**(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Harischandrapur** P.S. Case No. **317 of 2020** dated **27/05/2020** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: Sohobul Houqu

....petitioner.

Ms. I. Biswas

...for the petitioner.

Mr. S. Ghosh,  
Mr. B. Banerjee

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 4286 of 2020 is disposed of.

Petitioner is in custody for 99 days and it is further submitted that there is no direct evidence connecting him with the alleged crime.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that evidence has come on record that the petitioner was in love with the deceased and they were staying together. Incriminating articles were recovered pursuant to the leading statement of the petitioner.

We have considered the materials on record. Case is based on circumstantial evidence. There is no direct evidence to show that the petitioner was last seen with the petitioner. In view of

the aforesaid facts and the period of detention suffered by him and as investigation is complete, 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 Chief Judicial Magistra, Malda subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial 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.)**