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**C.R.M. 8449 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burdwan P. S. Case No.269 of 2020 dated 17.04.2020 under Sections 363/365 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : Sheikh Ruhul Amin.

.... Petitioner.

Mr. Sujan Chatterjee.

...for the Petitioner.

Mr. N. Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is contended on behalf of the petitioner that he is in custody for about 149 days. There is no direct evidence connecting the petitioner with the alleged crime.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim was called to the spot by the petitioner and his motor cycle was recovered from his possession.

We have considered the materials on record. Case is based on circumstantial evidence. Whether the circumstances relied upon by the prosecution would unerringly point to the guilt of the petitioner or not may be assessed at the appropriate stage of the proceeding.

However, keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners shall 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 Magistrate, Purba Bardhaman subject to condition that the 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.8449 of 2020, is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Abhijit Gangopadhyay,J.)

(Joymalya Bagchi, J.)