

19.11.2020

1

b.das

**CRM 8570 of 2020
IA No.CRAN 1/2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raidighi P.S. Case No.114 of 2020 dated 11.03.2020 under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of: Manirul Islam Sekh @ Manu

....Petitioner.

Ms. Trina Mitra

...for the Petitioner.

Mr. N. Ahmed

Ms. A. Gaur

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being IA No. CRAN/1/2020 is disposed of.

Petitioner is in custody for 8 months.

It is submitted on behalf of the petitioner that he was not named in the First Information Report. It is also submitted that there is no direct evidence connecting the petitioner with the alleged crime.

Learned lawyer for the State opposes the prayer for bail and submits that statements of witnesses recorded under Section 164 CRPC disclosed the motive of committing the crime.

We have considered the materials on record. Although there are materials to show that the petitioner had threatened the victim, there is

no direct evidence connecting him with the murder. Whether the circumstances relied upon by the prosecution form a complete chain pointing to the guilt of the petitioner or not may be assessed at the appropriate stage of the proceeding.

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

Accordingly we direct that the petitioner 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 Additional Sessions Judge, Diamond Harbour, South 24 Parganas subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without 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 for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)