

16.12.2020.
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(Allowed)

C.R.M. 9366 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur P. S. Case No.140 of 2020 dated 31.05.2020 under Sections 302/120B of the Indian Penal Code.

In the matter of : Sudip Mal.

.... Petitioner.

Mrs. Manjuli Chowdhuri,
Ms. Tina Biswas.

...for the Petitioner.

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

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for more than 200 days. Investigation is complete. There is no direct evidence connecting the petitioner with the alleged murder.

Learned Advocate appearing for the State opposes the prayer for bail and submits that incriminating articles were recovered on the leading statement of the petitioner. Buttons seized from the place of occurrence matched with the shirt recovered on the statement of the petitioner was.

We have considered the materials on record. We note that the case is based on circumstantial evidence. Impact of alleged recoveries may be assessed at the appropriate stage of the proceeding.

Under such circumstances including the period of detention and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Uluberia, Howrah 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. 9366 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)