

C.R.M. 9631 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Goalpokher P.S. Case No. 263 of 2020 dated 23.08.2020 under sections 302/201/120B of the Indian Penal Code.

And

In the matter of : Md. Atibul and Anr.

Mr. Md. Majibur Rahman
Mr. Md. Habibur Rahman

... ... for the petitioners

Mr. Swapan Banerjee
Mr. Suman De

... ... for the State

It is submitted on behalf of the petitioners that they are in custody for 99 days. Investigation is complete. There is no direct evidence connecting the petitioners with the alleged crime.

Learned lawyer for the State submits that the victim was last seen with the petitioners and weapon of offence, that is, “*daw*” was recovered on the leading statement of the petitioners.

We have considered the materials on record. The case is based on circumstantial evidence. No forensic report with regard to seized weapon is placed on record.

In view of the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur subject to the condition that the petitioners 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 petitioners fail to do so without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, 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.)