

04.12.2020
Court No.3
SL No.27
AP

CRM 9836 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Daulatabad** P.S. Case No.**161/2020** dated **27.07.2020** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: **Imam Sk @ Seikh Imam**

....Petitioner.

Mr. Somnath Adhikary,
Mr. Jisan Iqubal Hossain

...for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Manoranjan Mahata

...for the State.

It is submitted on behalf of the petitioner that there is no direct evidence connecting the petitioner with the murder of the victim and he is in custody for about 127 days and investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that the victim was last seen with the petitioner.

We have considered the materials on record. Case is based on circumstantial evidence. Whether the circumstances unerringly point 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 in view of the period of detention already suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Chief Judicial Magistrate, Murshidabad at Berhampore subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner

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, 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.)