

24.03.2021
p.b.
S.L. No.104

CRM 1191 of 2021

In re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Daulatabad Police Station Case No.161 of 2020 dated 27.07.2020 under Sections 302/201/34 of the Indian Penal Code.

In re: Asanuddin Sk.

.....Petitioner

Ms. Minoti Gomes,
Mr. Jisan Iqubal Hossain
.....for the petitioner.
Mr. Neguive Ahmed,
Ms. Amita Gour.
.....for the State.

Learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody for 241 days and is similarly situated with another co-accused persons who have been granted bail by the Co-ordinate Bench in CRM 9836 of 2020.

Mr. Ahmed, learned advocate for the State opposes the prayer for bail of the petitioner. There is a difference between the locus of the present petitioner and the accused who were granted bail, as the deceased was going to the house of the present petitioner and as such the materials against him is much more available in the case diary.

We have perused the materials on record including the statement of witnesses and the post-mortem report and the seizure list, we are of the view

that the case is of circumstantial evidence which are required to be proved at the stage of trial. However, we are of the opinion that further detention of the petitioner is not required.

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.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)