

19.07.2021

Court No.28
Item No.8
(ALLOWED)

Ab/Saswata

CRM 1702 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 09.02.2021 in connection with Kandi Police Station Case No. 473 dated 03.11.2020 under Sections 302/34 of the Indian Penal Code;

And

In the matter of : **Mitul Sk. @ Mithun Sekh.**
...Petitioner

Mr. Manas Kumar Das.

...For the Petitioner

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Amita Gaur.

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 473 under Sections 302/34 of the Indian Penal Code.

It is a case of circumstantial evidence to prove the complicity of the petitioner to the commission of alleged offence. The principal accused, namely, Habibur Sk., allegedly had a relationship with the deceased, who was found dead on the bank of a pond. The petitioner has been apprehended as he had an acquaintance with the said principal accused and only on the basis of the telephonic conversation at the relevant point of time.

Mr. N. Ahmed, learned Advocate for the State, is fair enough to say that there is no other evidence except one, as indicated above,

against the present petitioner.

In view of the above, we do not think that custody of the petitioner is necessary. The prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 1702 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)