

CRM 3306 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **02.04.2021** in connection with **Jagatballavpur** P.S. Case No. **103/2020** dated **09.07.2020** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: **Bhanu Santra**

....Petitioner.

Mr. D.Chatterjee

Mr. Asit Nayek

...for the Petitioner.

Mr. Rudradipta Nandy

...for the State.

The petitioner is in custody for over a year. It is submitted that there is no direct evidence connecting the petitioner with the alleged crime.

Learned lawyer for the State opposes the prayer for bail and submits that one Malina Santra, a co accused, had illicit affair with the petitioner. Due to such motive, her husband, that is, Hemanta Santra was murdered. Petitioner had altercation with the deceased and thereafter the latter went missing.

We have considered the materials on record including the statement of witnesses. The statement of one Bikash Bag at page 100 of the case diary discloses an altercation where the petitioner, the deceased and others were present. Subsequently, the deceased went missing and his dead body was recovered. None of the statements, however, show that the deceased was abducted by the petitioner prior to his death.

In view of the aforesaid facts and circumstances and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner subject to conditions.

Let the petitioner 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 Chief Judicial Magistrate, Howrah subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and 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, disposed of.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)