

06.12.2021.
18.
as
(Allowed)

C.R.M. 5175 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P. S. Case No.55 of 2021 dated 05.02.2021 under Sections 302/201/34 of the Indian Penal Code .

In the matter of : Ajim Sardar alias Bhundu Sardar.
.... Petitioner.

Mr. Sekhar Basu, Sr. Adv.,
Mr. Diptangshu Basu,
Ms. Suchismita Dutta.
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanik.
...for the State.

Mrs. Karabi Royl.
....for the defacto complainant.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for about 293 days. It is further submitted that he did not ordinarily reside at the residence of Tohra Mondal. He is not named in the first information report. It is also argued that he has been falsely implicated in the instant case out of mere suspicion.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the statements of witnesses show that he was seen entering the house of Tohra Mondal and the accused persons were seen together after the incident. A

shirt of the petitioner was also recovered from the courtyard of Tohra Mondal.

Mrs. Roy, learned Advocate appearing for the de-facto complainant opposes the prayer for bail.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged crime. Petitioner did not ordinarily reside with Tohra Mondal and his name has also not transpired in the first information report. Dead bodies were recovered from a field adjoining the house of Tohra Mondal. It is nobody's case that the deceaseds were last seen with the petitioner before the alleged incident.

In view of the aforesaid facts, period of detention suffered by the petitioner and as the investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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, Nadia at Krishnagar subject to condition that the petitioner 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.5175 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)