

09.12.2021.
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(Allowed)

C.R.M. 5729 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Englishbazar P. S. Case No.423 of 2018 dated 08.05.2018 under Sections 363/302/201 of the Indian Penal Code.

In the matter of : Biki Sk. @ Nur Alam.

.... Petitioner.

Mr. Amarendra Chakraborty.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 3 years and 76 days. It is submitted there is no direct evidence connecting the petitioner with the alleged crime.

Learned Advocate appearing for the State opposes the prayer for bail and submits on the leading statement of the petitioner, footwear of the victim girl was recovered.

We have considered the materials on record. There is no evidence that the victim was last seen with the deceased. Under such circumstances, we are of the opinion it is a matter to be decided at the appropriate stage of the proceeding whether the circumstances relied on by the prosecution create a complete chain unerringly pointing to the guilt of the petitioner or not.

In the light of the aforesaid facts and in view of the protracted period of detention suffered by the petitioner, we are inclined in granting 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, Malda 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.5729 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)