

CRM 5477 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hogalbari** P.S. Case No. **68/2021** dated **07.04.2021** under Sections **302/201/120B** of the Indian Penal Code.

And

In the matter of: **Ajijul Haque**

....Petitioner

Mr. Sekhar Kumar Basu, Sr. Adv

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the Petitioner

Mr. Rudradipta Nandy

...for the State.

The petitioner is in custody for 8 months. It is submitted that investigation is complete. There is no direct evidence connecting the petitioner to the alleged crime.

Learned lawyer for the State opposes the prayer for bail and submits that there were quarrels between the petitioner and the deceased over monetary issues. He further submits that the dead body was recovered from a room which has been let out to the petitioner as per the statement of the landlord. Offending weapon has been recovered.

We have considered the materials on record including the statement of the landlord at page 103 of the case diary. No rent receipt was seized to establish tenancy. Landlord was not present at the time of occurrence. Forensic report with regard to the seized iron rod has not been collected.

In view of the aforesaid facts, we are of the opinion that further detention of the petitioner is not necessary and he may be released on bail.

The prayer for bail is thus allowed.

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 Additional Chief Judicial Magistrate, Tehatta, Nadia 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.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)