

17.12.2021

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Sdas

Allowed

CRM 5512 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gaighata P. S. Case No. 152 of 2021 dated 26.02.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Monohar Das alias Mono alias Manohar Das & Anr.
. petitioners

Mr. Angshuman Chakraborty
.....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahato

....for the State

Mr. Jaydeep Biswas
..... for the defacto complainant

Learned Counsel appearing for the petitioners submits that they are in custody for 235 days and investigation is complete. There is no direct evidence connecting the petitioners with the alleged crime.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioners had inimical relationship with the deceased and offending weapon was recovered on the leading statements of the petitioners.

Learned Counsel appearing for the defacto complainant submits that deceased was brutally murdered by the petitioner no. 1 in conspiracy with petitioner no. 2.

We have considered the materials on record. There is no direct evidence connecting the petitioners with the alleged crime. No forensic report with regard to presence of blood on the seized weapon is placed before us. Whether the circumstances relied upon by the prosecution would unerringly point to the guilt of the petitioners may be assessed in the course of trial.

Under such circumstances and period of detention suffered by the petitioners, we are inclined to enlarge the petitioners on bail, however, subject to strict conditions.

Accordingly we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas, on further conditions that while on bail they shall remain within the jurisdiction of Gaighata Police Stations until further orders except for attending court purposes and shall report to the Officer in Charge of Gaighata Police Station once in a week until further orders. Petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at

liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)