

10.12.2021.
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(Allowed)

C.R.M. 5763 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No.493 of 2020 dated 05.07.2020 under Sections 302/34 of the Indian Penal Code.

In the matter of : Ukil ali.

... Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv.,
Mr. Antarikhya Basu,
Ms. Madhumita Basak.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 520 days. It is submitted that there is no direct evidence connecting the petitioner with the alleged crime. Co-accused Md. Jinnat Babul Islam was granted bail by a Co-ordinate Bench of this Court.

Learned Advocate appearing for the State opposes the prayer for bail and submits an old lady was murdered by the petitioner, who is her son-in-law, in collaboration with other accused. Incriminating articles and weapon of offence had also been recovered from the petitioner.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged offence. None of the witnesses state that they had seen the petitioner enter the house on the day of the incident. Co-

accused Md. Jinnat Babul Islam on whose leading statement stolen articles were recovered, has been enlarged on bail. No forensic report with regard to the presence of the blood on the seized knife is placed before us.

In view of the aforesaid facts and the 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, Raiganj 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 their bail in accordance with law without further reference to this Court.

The application, being C.R.M.5763 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)

