

08.12.2021
tkm/ct 28
sl no. 80

C.R.M.6167 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ausgram P.S Case No.29 of 2020 dated 30.1.2020 under Sections 302/34 of the IPC
And

Allowed

In Re : Manas Halder @ Manab Halder petitioner

Ms. Anasuya Sinha
Mr. Avishek Sinha
Mr. J Saha

..... for the petitioner

Mr. S Bapuli
Mr. Bibaswan Bhattacharya

..... for the State

Petitioner is in custody for 677 days and it is submitted on behalf of the petitioner that the vital circumstance that the petitioner and the deceased were quarreling with one another in drunken condition is not corroborated by presence of alcohol in the stomach of the deceased as per post mortem report.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Wife of the deceased stated that the petitioner and the victim left together. Subsequently, victim was found in the company of a number of persons including the petitioner. Most vital witness states that the petitioner and victim were quarreling in a drunken condition soon before the incident. However, post mortem report does not reveal presence of liquor in the stomach of the victim.

In view of the aforesaid fact we are of the opinion conclusiveness of the most vital circumstance requires to be assessed during trial. There is no direct evidence of murder.

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

Accordingly, 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 CJM, Purba Burdwan on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 6167 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)