

10.12.2021
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allowed

**CRM 6476 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 639 of 2020 dated 22.12.2020 under Sections 302/34 of the Indian Penal Code.

And

In Re : Ratan Majhi petitioner

Mr. Arup Sarkar

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 355 days. It is further submitted that there is no direct evidence connecting the petitioner with the alleged crime.

Learned Counsel appearing for the State opposes prayer for bail and submits offending weapon has been recovered on the leading statement of the petitioner. He had motive to commit the crime.

We have considered material on record. There is no material to show that the petitioner was last seen with the deceased prior to death.

In view of the aforesaid fact whether the other circumstances relied upon by the prosecution would unerringly point to the guilt of the petitioner or not requires to be assessed in the course of trial.

Under such circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the condition that the petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)