

09.11.2021
Sl. No.21
akd
[ALLOWED]

C. R. M. 7082 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.10.2021 in connection with Taldangra Police Station Case No. 14 of 2020 dated 10.03.2020 under Section 302 of the Indian Penal Code.

And

In Re: ***Md. Aslam Ali Dalal***

... .. Petitioner

Mr. Samiran Mandal
Mr. Abhinaba Dan
Mr. Nitish Samanta

... .. for the petitioner

Mr. Rana Mukherjee
Ms. Sujata Das
Ms. Debjani Sahu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 500 days. It is further submitted that there is no direct evidence connecting the petitioner with the alleged murder.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner had grudge against the deceased as he had objected to a love affair between the petitioner and his daughter. One footwear of the petitioner was recovered from the place of occurrence and the offending weapon was also recovered pursuant to his leading statement.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged murder. Although there are statements with regard to hostile relationship between the parties, none of the witnesses had last seen the petitioner with the deceased. Alleged footwear recovered from the place of occurrence had not been sent for forensic examination with regard to footprint. Neither has the offending weapon been examined by a FSL

expert. It is to be decided in the course of trial whether the circumstances proposed by the prosecution would unerringly point to the guilt of the accused or not. However, in the aforesaid factual matrix and bearing in mind the protracted period of detention suffered by the petitioner i.e. over 500 days, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Aslam Ali Dalal***, 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 learned Additional Chief Judicial Magistrate, Khatra, Bankura subject to condition that the said 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 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 for bail, thus, stands **allowed**.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)