

09.11.2021
Sl. No.81
akd
[ALLOWED]

C. R. M. 7179 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.10.2021 in connection with Jagacha Police Station Case No. 38 of 2020 dated 18.02.2020 under Sections 302/201/120B of the Indian Penal Code.

And

In Re: **Md. Sahajad @ Saka**

... .. Petitioner

Mrs. Sonali Das

... .. for the petitioner

Mr. Madhusudan Sur .. Ld. Addl. Public Prosecutor

Mr. Dipankar Pramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. It is further submitted that there is no material connecting him with the alleged crime.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. There is direct evidence connecting the petitioner with the alleged murder. It is a matter to be decided during trial whether circumstances relied upon by the prosecution i.e. recovery of articles from the petitioner is sufficient to bring home the guilt or not. However, in the facts and circumstances of the case and bearing in mind the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Md. Sahajad @ Saka**, 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 Chief Judicial Magistrate, Howrah 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.)