

08.12.2021
cm/ct 28
sl no. 122

C.R.M. 8043 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection Shyampur P.S Case No. 180 of 2021 dated 4.5.2021 under Sections 302/201/34 of the Indian Penal Code.

And

Allowed

In Re : Sk. Sahabul

..... petitioner

Mr. Tauhid Khan

..... for the petitioner

Ms. A. Sinha

Mr. P. K. Mitra

..... for the State

Petitioner is in custody for 191 days and it is submitted there is no direct evidence connecting him with the crime. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits there was altercation between the petitioner and the deceased in the morning. Pursuant to his leading statement, weapon of offence had been recovered.

We have considered materials on record. There is no evidence that the petitioner was last seen with the deceased prior to the murder. No FSL report with regard to the seized weapon is placed before us. In view of the aforesaid facts, we are of the opinion whether the circumstances relied upon by the prosecution would unerringly point at the guilt of the petitioner or not requires to be assessed during trial. In view of the aforesaid fact and the 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 Additional Session Judge, 1st Court Ulubaria 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 8043 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)