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(AD/
KC)

10.12.2021

Court No.28

(Allowed)

C.R.M. 8102 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Daspur** P.S. Case No.**393 of 2020** dated **09/10/2020** under Sections **448/302/201/34** of the Indian Penal Code.

And

In the matter of: Gorachand Mukherjee @ Haru

....petitioner.

Mr. Sourav Chatterjee
Mr. Soumyajit Das Mahapatra

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... for the State.

Petitioner is in custody for 427 days. He renews his prayer for bail. It is submitted that there is little progress in the matter since the last rejection of bail by this Court.

Learned lawyer for the State opposes the prayer for bail and submits that offending weapon was recovered from the possession of the petitioner.

We have considered the materials on record. There is no evidence that petitioner was present at the place of occurrence when the victim was murdered. Recovery has been made from an open place which is accessible for all. No forensic report with regard to the seized weapon is placed before us.

In view of the aforesaid facts, period of detention suffered by the petitioner and as there is little progress in the matter since the last rejection of bail, 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 Chief Judicial Magistrate, Ghatal 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 for bail is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)