

10.12.2021
cm/ct 28

C.R.M. 8245 of 2021

sl no. 159 In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Polba P.S Case No. 121 dated 01.07.2021 under Section 302 of the Indian Penal Code.
And

Allowed

In Re : Matiyar Sk.

..... petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. K. Dudhwewala

Mr. S. Ganguly for the petitioner

Mr. S.S. Imam

Mr. S. Kundu

..... for the State

Petitioner is in custody for 162 days. It is submitted that there is no direct evidence connecting the petitioner with the alleged murder.

Learned lawyer for the State opposes the prayer for bail. He submits that petitioner had motive to commit the murder. He had taken the room on rent from Santosh Pal and the dead bodies in decomposed condition were recovered from the said room.

We have considered materials on record including the statement of witnesses. During investigation no T.I. parade was held in order to verify whether petitioner could be identified by the owner of the premises or any other witness. None of the witnesses stated that they have seen the petitioner enter or come out of the premises. Statement of Santosh Pal is unclear with regard to date from which the room had been let out.

In view of the aforesaid facts, we are of the opinion whether the circumstances relied upon by the prosecution unerringly point to the guilt of the petitioner or not requires to be assessed during trial. Under such circumstances and bearing in mind 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 CJM, Hooghly, 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 8245 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)