

01.07.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 1333 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.05.2022 in connection with Sankrail Police Station Case No. 735 of 2021 dated 21.06.2021 under Sections 363/365/302/201/120B of the Indian Penal Code.

And

In Re: ***Somnath Mondal @ Sohom @ Som***

... .. Petitioner

Mr. Asimes Goswami
Ms. Paulomi Banerjee

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over nine months. It is further submitted petitioner has been falsely implicated in the instant case out of mere suspicion. It is also submitted alleged recovery was made from the courtyard of one Santanu Naskar which is accessible to others and cannot give rise to any inference of culpability.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents. He was arrested in connection with theft of motorcycles. As his complicity transpired, he was shown arrested in the present case. On his leading statement, articles of the deceased were recovered.

We have considered the materials on record. There is no direct evidence that petitioner murdered the deceased. Statements of witnesses also do not show he was last seen with the deceased prior to the incident. Dead body of the deceased was recovered prior to the interrogation of the petitioner and the so-called leading statement of the

petitioner cannot be said to be the trigger for such recovery. On the other hand, recovery attributed to the petitioner with regard to the articles of the deceased are from the courtyard of one Santanu Naskar and it cannot be said that the petitioner had exclusive dominion over the place of recovery. In view of the aforesaid facts particularly extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Somnath Mondal @ Sohom @ Som**, 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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)