

22.06.2022
tkm/ct 28
sl no. 26

C.R.M. (DB) 1404 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Karimpur P.S case no. 243 of 2020 dated 11.10.2020 under section 302/201/120B/34 IPC
And

Allowed

In Re : Sukchand Sk @ Shaikh petitioner

Mrs. Karabi Roy

..... for the petitioner

Mr. M Sur

Mr. M Mahata

..... for the State

Petitioner is in custody for 216 days. It is submitted that petitioner is the brother in law of the victim and has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the victim had been called to the parental residence of his wife. Petitioner is one of the inmates of the house. Subsequently, his dead body was recovered from the nearby field.

We have considered materials on record. It is not the prosecution case that the petitioner had called the victim. There is no direct evidence that he had committed the murder. Statement with regard to disposal of the dead body by petitioner and co-accuseds is hearsay.

In view of the aforesaid facts and 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

ACJM, Tehatta, Nadia 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 (DB) 1404 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)