

14.06.2022
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allowed

CRM(DB) 1669 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nadanghat Police Station Case No. 331 of 2021 dated 09.10.2021 under Sections 302 of the Indian Penal Code.

And

In Re : Hejabulla Sk. @ Hejbulla @ Heju petitioner

Mr. Samrat Choudhyry
Ms. Oindrila Ghosh

.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata

..... for the State

Petitioner is in custody for 247 days. He renews his prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged crime. Statement of wife of the deceased claimed petitioner had called the victim over telephone. CDRs of the mobile phones of the petitioner and the victim were not collected to verify such fact. Other witness relating to "last seen" was examined two months after the occurrence.

Keeping in mind the aforesaid facts and as there is very slow progress in the matter since the last rejection of bail by this Court, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall 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 Additional Chief Judicial Magistrate, Kalna, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)