

15.06.2022
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allowed

CRM(DB) 1778 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanditala Police Station Case No. 450 of 2021 dated 16.11.2021 under Section 302 of the Indian Penal Code.

And

In Re : Sandip Mitra @ Sandip Mondal @ Raja petitioner

Mr. Ayan Bhattacharjee
Mr. Avik Ghatak
Mr. Kaushik De
Ms. Mohini Majumder
Mr. Raghav Munshi

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das

..... for the State

Learned Counsel appearing for the petitioner submits that he is in custody for 87 days. It is also submitted that there is no direct evidence connecting the petitioner with the alleged crime.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioner had business rivalry with the deceased and weapon of offence i.e. knife was recovered from his leading statement.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged crime. Business rivalry between the parties may give rise to mere suspicion. No forensic report with regard to the seized knife is placed on record. Keeping in mind the aforesaid facts and period

of detention suffered by the petitioner and as investigation is complete, 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, Serampore, Hooghly, 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.)