

20.06.2022
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allowed

CRM(DB) 1874 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 18 of 2020 dated 12.01.2020 under Sections 302/34 of the Indian Penal Code.

And

In Re : Noyaj Ali Khan @ Nuaj Kha petitioner

Mr. Asraf Mandal

.....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..... for the State

Learned Counsel appearing for the petitioner submits that he is in custody for more than two years. It is also submitted that there is no direct evidence connecting the petitioner with the murder.

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

We have considered the materials on record. Statement of the daughter of the deceased does not implicate the petitioner in the alleged murder. Statement of the son of the deceased merely shows the petitioner had gone out at night. But there is no evidence to show that the petitioner had entered the house of the deceased on the fateful night.

In view of the aforesaid facts and the period of detention suffered by the petitioner, 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, Tehatta, Nadia, 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.)