

21.06.2022
tkm/ct 28
sl no. 44

C.R.M. (DB) 1926 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Noapara P.S case no. 40 of 2022 dated 30.1.2022 under section 302/201/120B/34 IPC and sections 25/27 of the Arms Act

And

Allowed

In Re : Bijoy Mukherjee

..... petitioner

Mr. S Lahiri
Mr. R Singh
Mr R N Bandyopadhyay

..... for the petitioner

Mr. R D Nandi
Ms. Ishita Dutta

..... for the State

Petitioner is in custody for 141 days. It is submitted that he has been falsely implicated out of political rivalry. There is no direct evidence connecting him with the alleged crime.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner was one of the conspirators. He had telephonic exchanges with a co-conspirators namely, Bhola Singh who had hired mercenaries to murder the victim. Petitioner also had enmity with the victim.

We have considered materials on record. There are statements to show petitioner had enmity with the deceased. But materials collected in support of conspiracy between the petitioner and co-accuseds are sketchy and prima facie unreliable. Statement of one Dilip Seth at page 388 of the case diary gives an impression he is also a co-conspirator. He, however, has not been implicated as an accused. Hence, we are not inclined to place much reliance on his version. Apart from the aforesaid statement,

prosecution has relied on telephonic conversations between the petitioner and co-accused Bhola Singh. Materials on record show that the petitioner and Bhola Singh were known to each other and belong to the same locality. In this backdrop mere telephonic conversations between them may give rise to mere suspicion but is not sufficient to justify further detention of the petitioner.

Keeping in mind 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, Barrackpore, North 24 Parganas 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) 1926 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)