

29.06.2022
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allowed

CRM(DB) 2051 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 459 of 2021 dated 14.12.2021 under Sections 302/201/379/34 of the Indian Penal Code.

And

In Re : Sajidul Mondal @ Sajijul Mondal petitioner

Mr. Sumanta Das

.....for the petitioner

Mr. Rudradipta Nandy

Ms. Eshita Dutta

..... for the State

Petitioner is in custody for 187 days.

Learned Counsel appearing for the petitioner submits that there is no direct evidence connecting him with the murder.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that the petitioner had illicit relation with the wife of the deceased. Incriminating materials were recovered from the residence of the petitioner.

We have considered the materials on record. Statements of the witnesses show there was illicit relationship between the petitioner and the deceased. Though such materials may give rise to some suspicion, there is no material on record to show that the petitioner and the deceased were last seen together. Case is based on circumstantial evidence. Whether the circumstances relied by the prosecution including alleged recovery of incriminating material would form a complete chain in the

present case to implicate the petitioner or not, may be assessed during trial.

However, in the facts and circumstances of the case 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 Chief Judicial Magistrate, Nadia at Krishnangar, 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.)