

29.06.2022
71
sdas
allowed

CRM(DB) 2061 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 470 of 2021 dated 11.07.2021 under Sections 302/380/511/34 of the Indian Penal Code.

And

In Re : Mithun Hazra petitioner

Mr. Satarup Purakasthya
Mr. Amanul Islam
Mr. Sourav Mukherjee

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Amita Gaur
Ms. Ayantika Roy

..... for the State

Petitioner is in custody for 341 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 was seen with co-accused Alok Santra who nursed grudge against the deceased, Sambhu Paswan. Weapon of assault i.e. brick was recovered on the leading statement of the petitioner.

We have considered the materials on record. There is no direct evidence that the petitioner was seen with the deceased prior to the incident. No FSL report with regard to the brick which was allegedly recovered on his leading statement is placed before us.

Under such circumstances and in view of 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, Ranaghat, 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.)