

07.07.2022
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 2148 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.06.2022 in connection with Kharagpur (Local) Police Station Case No. 976 of 2021 dated 27.12.2021 under Sections 302/201/379/468/411/414/120B of the Indian Penal Code.

And

In Re: **Md. Meraj**

... .. Petitioner

Mr. Debasish Roy
Mr. Syed Shamsher
Ms. Sreemoyi Roy

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Iqbal Kabir
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 136 days. It is further submitted there is no material to show that the petitioner is the conspirator in the murder.

Learned Additional Public Prosecutor opposes the prayer for bail and submits driver of a truck carrying plastic granules was murdered by the co-accused. Stolen goods from the truck were recovered from the possession of the petitioner.

We have considered the materials on record. Statements of witnesses and/or contemporaneous documents show recovery of stolen articles from the possession of the petitioner. Even assuming the aforesaid materials to be true, it is a matter to be adjudged during trial whether he was a conspirator in the murder itself. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Meraj***, 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, Paschim Midnapore subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)