

08.07.2022.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2173 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P. S. Case No.735 of 2021 dated 21.06.2021 under Sections 363/365 of the Indian Penal Code.

In the matter of : Munna Sk.

.... Petitioner.

Mr. Dipankar Aditya.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui,
Mr. P. S. Basu,
Md. Hafiz Ali.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over nine months. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail. He submits on the leading statement of the petitioner a spade and bamboo used to bury the victim was recovered.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the murder. Statements of witnesses also do not show he was last seen with the victim. No forensic report with regard to the seized articles is placed before us.

In view of the aforesaid facts, extent of complicity of the petitioner in the alleged crime and the period of detention

suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 Chief Judicial Magistrate, Howrah subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)