

25.03.2022
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allowed

CRM 7760 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 119 of 2021 dated 28.03.2021 under Sections 302/34/201 of the Indian Penal Code.

And

In Re : Amjad Mondal petitioner

Mr. Asraf Mandal

.....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody over 200 days. There is no direct evidence connecting the petitioner with the alleged crime.

Learned Counsel appearing for the State opposes prayer for bail and submits that the petitioner was seen with the deceased in the morning on 27.05.2021. Subsequently on the next day dead body of the deceased was recovered. On the leading statement of the petitioner footwear and a gamcha of the deceased were recovered.

We have considered the materials on record. It appears that the petitioner and the deceased were found together in the morning on 27.05.2021. On the next day around 6:30p.m. dead body of the victim was recovered. Whether the live link between the last seen theory and death of the deceased is established may be assessed in the course of trial. Recovery of the articles of the deceased are from a open place which is accessible to all.

In view of the aforesaid circumstances 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)