

30.08.2022.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2913 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chittaranjan P. S. Case No.14 of 2021 dated 15.05.2021 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Pritam Singh.

.... Petitioner.

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Petitioner is in custody for 258 days. It is submitted there is no direct evidence connecting him with the murder. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He refers to the statement of the wife and father-in-law of the petitioner which discloses motive arising out of a love triangle between the petitioner, his wife and the deceased. He also submits weapon of offence was recovered from the petitioner.

We have considered the materials on record. Statements of wife and father-in-law show strained relationship between the petitioner and his in-laws. A divorce suit is pending between the petitioner and his wife. Recovery of fire arm was made after seven months of incident from an open place

accessible to all. No report of expert showing that the seized weapon matched the ammunitions recovered from the place of occurrence is placed before us. Whether the aforesaid circumstances would justify conviction of the petitioner requires to be assessed during trial.

Keeping in mind the aforesaid facts 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, Asansol 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Sub Division of Asansol except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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.)