

08.09.2022
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allowed

CRM(DB) No. 3038 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhabanipur Police Station Case No. 73 of 2022 dated 21.04.2022 under Sections 302/201 of the Indian Penal Code.

And

In Re : Ranjan Manna petitioner

Mr. Malay Bhattacharyya

Mr. Pradip Paul

Mr. Subhrojyoti Ghosh

Ms. Sheta Mondal

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

..... for the State

Learned Counsel for the petitioner submits he is in custody for 135 days. It is also submitted that there is no direct evidence connecting the petitioner with the alleged murder. Investigation is complete.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner had illicit relationship with the deceased but he refused to marry her. Subsequently she married another man. Out of grudge, he murdered the deceased. He made telephone call to the cousin of the deceased and told him that the victim lady was with him. Incriminating articles including weapon of offence were recovered from the petitioner.

We have considered materials on record. There was an illicit relationship between the petitioner and the deceased who had been subsequently murdered. No one saw the petitioner with

the deceased prior to the incident. Prosecution seeks to rely on the statement of the cousin of the deceased who stated petitioner made phone calls to him. CDRs collected during investigation do not corroborate the statement of the said witness. Forensic report with regard to the alleged weapon of offence recovered is not placed before us. Whether the materials collected against the petitioner would constitute a complete chain requires to be assessed during trial. 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, Haldia, Purba Medinipur, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)