

19.09.2022.
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as
(Allowed)

C.R.M. (DB) 3150 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol South P. S. Case No.26 of 2022 dated 15.01.2022 under Sections 302/201 of the Indian Penal Code.

In the matter of : Gurudev Yadav @ Ajay.

.... Petitioner.

Mr. Apurba Kr. Datta.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Petitioner is in custody for more than 200 days. He submits there is no direct evidence connecting him with the murder. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail. He submits victim was last seen with the deceased.

We have considered the materials on record. Case is based on circumstantial evidence. Statements of witnesses show petitioner was seen with the deceased prior to his death. Whether the aforesaid circumstance by itself would be sufficient to implicate the petitioner in the murder requires to be assessed during trial.

Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, 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.

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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)