

28.09.2022
tkm/ct 28
sl no. 36

C.R.M. (DB) 3301 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P.S case no. 279 of 2022 dated 1.4.2022 under sections 302/201 of the IPC and charge sheet submitted under sections 302/304/201/34 IPC
and

Allowed

In Re : Parvej Ahamed @ Ahmed petitioner

Mr. Sagar Saha

..... for the petitioner

Mr. Swapan Banerjee
Mr. A S Chatterjee

..... for the State

Petitioner is in custody for 170 days. It is submitted on behalf of the petitioner he was not named in the FIR by the wife of the deceased. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner left the place of occurrence in a vehicle to avoid arrest. Driver of the vehicle has implicated the petitioner. Arms were also recovered on his leading statement.

We have considered materials on record. Statements of witnesses including the wife and brother of the deceased has not implicated the petitioner as the persons who were last seen with the deceased. Statement of the driver discloses that the petitioner had fled from the place of occurrence soon after the incident. Mere abscondence cannot implicate the petitioner in the murder. Recovery of fire arms, in our estimation, is of little consequence as the victim had been killed by smothering.

In view of the aforesaid materials on record and the extent of complicity of the petitioner in the alleged crime, we are inclined

to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall reside outside the jurisdiction of Baishnabnagar P.S except for the purpose of attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the concerned P.S within whose jurisdiction he shall presently reside once in a week until further orders.

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 automatically without reference to this court.

The application being CRM (DB) 3301 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)