

29.09.2022

dd/ct 28

sl no. **91**

C.R.M. (DB) 3407 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Uluberia** P.S case no. **58/2022** dated **25.02.2022** under sections **302/201** of the IPC (**G.R. Case No. 385/2022**)

and

Allowed

In Re : **Arup Samanta**

..... petitioner

Mr. Prabir Kr. Mitra,
Ms. Ariba Shahab

..... for the petitioner

Ms. Faria Hossain,
Mr. Anand Keshri,

..... for the State

Petitioner is in custody for 193 says. He submits that there is no direct evidence connecting the petitioner with the murder. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. The case is based on circumstantial evidence. No forensic report with regard to the stick (alleged weapon of offence), seized on the leading statement of the petitioner is placed before us. Where the circumstances relied by the prosecution would unerringly point to the guilt of the petitioner requires to be considered in the light of the aforesaid factual position 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, 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 Additional Chief Judicial Magistrate, Uluberia, Howrah 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.

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 **C.R.M. (DB) 3407 of 2022** is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)