

04.11.2022.
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as
(Allowed)

C.R.M. (DB) 3850 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagatballavpur P. S. Case No.206 of 2021 dated 17.12.2021 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/201/417/493/314 of the Indian Penal Code.

In the matter of : Amin Kha.

.... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for 317 days. It is submitted there is no direct evidence connecting him with the murder. He further submits cause of death has not been ascertained as yet.

Learned Advocate for the State opposes the prayer for bail. She submits petitioner was last seen with the deceased and thereafter suffered homicidal death.

We have considered the materials on record. There was a relationship between the petitioner and the deceased. Post mortem report does not clearly indicate the cause of death FSL reports are awaited. Leading statement of the petitioner did not result in the recovery of incriminating article viz., poison container.

In view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner i.e. 158 days, 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, Howrah 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.)