

24.11.2022.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4100 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.755 of 2020 dated 02.11.2020 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Sumera Bibi & Anr.

.... Petitioners.

Mr. Satoroop Purkayastha,
Ms. Sabnam Laskar.

...for the Petitioners.

Mrs. Anasuya Sinha,
Ms. Subashree Patel.

...for the State.

Petitioners are in custody for 115 days. It is submitted co-accuseds are on bail. It is also submitted there is no direct evidence that they committed the murder.

Learned Advocate for the State opposes the prayer for bail. He submits accuseds made extra judicial confession before local people. Petitioners had absconded for a period of time.

We have considered the materials on record. There is no direct evidence connecting the petitioners with the murder. Voluntariness of the extra judicial confession requires to be assessed during trial.

Keeping in mind the aforesaid facts and as co-accuseds are on bail, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)