

25.11.2022
Sl. No.36
akd
[ALLOWED]

C. R. M. (DB) 4141 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.11.2022 in connection with Diamond Harbour Police Station Case No.93 of 2022 dated 17.02.2022 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re: ***Sofiulla Mollick***

... .. Petitioner

Mr. Sabir Ahamed
Mr. Gouranga Kumar Das
Mr. Kapil Ch. Sahoo
Ms. Swata Mondal

... .. for the petitioner

Mr. Kallol Kumar Basu
Mr. Dipendu Sarkar

... .. for the de-facto complainant

Mr. Pradipta Kr. Ganguly

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 276 days. It is further submitted there is no direct evidence connecting him with the murder.

Learned advocate appearing for the State opposes the prayer for bail and submits on the leading statement of the petitioner, motorcycle used to commit the offence was recovered.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Statements of eyewitness do not implicate the petitioner in the offence. Recovery was made from an open space accessible to all on the joint statements of three accused persons. Seized motorcycle does not stand in the name of the petitioner. Keeping in mind the extent of complicity of the petitioner in the alleged crime and period of detention suffered by him,

we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Sofiulla Mollick**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Diamond Harbour Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)