

12.12.2022.
37.
as
(Allowed)

C.R.M. (DB) 4302 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara P. S. Case No.164 of 2022 dated 03.05.2022 under Sections 302/120B of the Indian Penal Code.

In the matter of : Krishna Mondal.

.... Petitioner.

Mr. Atis Kr. Biswas,
Mr. Amit Singh.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for about 222 days. It is contended there is no direct evidence connecting him with the murder. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits weapon of offence was recovered on his leading statement. Blood stains on the wearing apparels of the petitioner matched with those of the deceaseds.

We have considered the materials on record. Case is based on circumstantial evidence. Petitioner was not last seen with the victims. Forensic report with regard to the seized weapons have not been placed before us. FSL report with regard to blood stains on the wearing apparels of the deceased is also inconclusive.

Under such circumstances and in view of the period of detention suffered by him, we are inclined to grant bail to the petitioner, however, subject to the strict conditions.

Accordingly, the petitioner, viz., Krishna Mondal 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 Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Palashipara Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Palashipara Police Station once in a week until further orders.

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.)

