

08.12.2022.
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as
(Allowed)

C.R.M. (DB) 4332 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.292 of 2022 dated 11.05.2022 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Rohidul Sk @ Rohidul Sekh.
.... Petitioner.

Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.
...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mrs. Trina Mitra.
...for the State.

Petitioner is in custody for 209 days. It is contended there is no direct evidence connecting the petitioner with the murder. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is the paramour of the wife of the deceased. His mobile phone was recovered from the residence of the deceased. On his leading statement ligature used to strangle the victim was also recovered.

We have considered the materials on record. It is contended petitioner had illicit relation with the wife of the deceased. Hence, recovery of mobile phone from the residence of the couple is an ambivalent circumstance. There is no evidence that petitioner was "last seen" with the deceased. The other incriminating circumstance i.e. recovery of ligature used to be seen in the backdrop of the aforesaid facts during trial.

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

Accordingly, the petitioner viz., Rohidul Sk @ Rohidul Sekh 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, Murshidabad at Berhampore 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.

(Siddhartha Roy Chowdhury,J.)

(Joymalya Bagchi, J.)