

15.12.2022.
27.
as
(Allowed)

C.R.M. (DB) 4393 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala P. S. Case No.327 of 2022 dated 26.07.2022 under Sections 365/302/201/120B of the Indian Penal Code.

In the matter of : Sahedul Sk.

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for 142 days. It is submitted there is no direct evidence connecting him with the murder. Identification of the dead body was belatedly made. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits offending weapon was recovered on his leading statement. Property documents of the deceased were also recovered from the residence of the petitioner.

We have considered the materials on record. Nobody had seen the petitioner with the deceased. Forensic report with regard to the weapon of offence has not been placed on record. Petitioner was related to the deceased. Recovery of property documents belonging to the deceased from his residence requires to be assessed in the light of the aforesaid circumstance during trial.

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

Accordingly, the petitioner viz., Sahedul Sk. 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 Additonal Chief Judicial Magistrate, Lalbagh, Murshidabad 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.)