

19.12.2022.
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as
(Allowed)

C.R.M. (DB) 4443 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khatra P. S. Case No.44 of 2022 dated 28.07.2022 under Section 302 of the Indian Penal Code and charge sheet submitted under Sections 302/201 of the Indian Penal Code.

In the matter of : Jakir Iqbal Khilji @ Rupam.
.... Petitioner.

Mr. Soumik Ganguly,
Mr. Arkaprabho Roy.
...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Subhasree Patel.
...for the State.

Petitioner is in custody for 144 days. He submits there is no direct evidence connecting him with the murder. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. She submits petitioner had motive to commit the crime. He had hired a vehicle for such purpose. On his leading statement a nylon rope and footwear of the victim were recovered.

We have considered the materials on record. Witnesses state victim had taken a loan from petitioner and had failed to return it. Recovery of nylon rope and footwear was from a place accessible to all. Nobody saw the petitioner with the victim prior to the incident. Statement of witness is also ambivalent with regard to the identity of the person who was seen near the place of occurrence.

In this backdrop called data records may not give convincing proof with regard to presence of the petitioner with the victim.

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

Accordingly, the petitioner viz., Jakir Iqbal Khilji @ Rupam 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, Khatra, Bankura, 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.)