

21.12.2022
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allowed

CRM(DB) No. 4496 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur Police Station Case No. 64 of 2022 dated 27.05.2022 under Section 302 of the Indian Penal Code.

And

In Re : Sajarul Sk. @ Sajarul Haque @ Saja petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

.....for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mita

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 198 days. It is also contended that there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim used to live alone in a hut. On the leading statement of the petitioner weapon of offence was recovered. Witnesses saw the petitioner going to the hut with the victim.

We have considered the materials on record. There is no direct evidence that the petitioner had assaulted the victim. Though witnesses claimed they saw the petitioner going towards the hut of the victim nobody saw him entering the hut. Reliability of the extra-judicial confession made to a local stall owner after a couple of days requires to be assessed during trial. Report with

regard to the seized weapon is placed before us. Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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, Berhampur, Murshidabad, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)