

23.12.2022.
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as
(Allowed)

C.R.M. (DB) 4565 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P. S. Case No.600 of 2022 dated 06.09.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Saidur Rahaman @ Laku.
.... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun.
...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.
...for the State.

Petitioner is in custody for 98 days. It is submitted there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was last seen with the deceased.

We have considered the materials on record. Whether the last seen circumstance by itself would constitute an irresistible inference of guilt requires to be assessed during trial.

Under such circumstances and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Saidur Rahaman @ Laku 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, Lalbagh, Murshidabad

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.

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.)