

18.01.2023.
17.
as
(Allowed)

C.R.M. (DB) 152 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Farakka P. S. Case No.226 of 2022 dated 12.07.2022 under Sections 302/201 of the Indian Penal Code and charge sheet submitted under Sections 302/201/120B/392/342/347/412/506 of the Indian Penal Code.

In the matter of : Asadul Sk. @ Khurka.

.... Petitioner.

Mr. Manas Kr. Das,
Mr. Mobidur Hossain.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Petitioner is in custody for 178 days. It is submitted he is not one of the accused who was involved in the murder. He prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail. He submits petitioner had telephonic conversation with the principal accused prior and after the incident. Stolen articles were recovered from the track of the petitioner.

We have considered the materials on record. There is no material to show that the petitioner was present at the spot when the victim was murdered. Whether the interactions between the petitioner and the co-accused were in relation to procurement of stolen property or murder requires to be assessed during trial.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Asadul Sk. @ Khurka 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, Jangipur, 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.)