

18.01.2023
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allowed

CRM(DB) No. 210 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 106 of 2022 dated 04.03.2022 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Raja Mondal petitioner

Mr. Mrinal Kanti Mukherjee
.....for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan
..... for the State

Learned Counsel for the petitioner submits he is in custody for over 200 days. It is also submitted that he was not named in the F.I.R. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits complicity of the petitioner has transpired from the statement of Tanmoy Bairagy. On leading statement of the petitioner weapon of offence was recovered.

We have considered the materials on record. It is alleged one Rabindranath had murdered his wife and buried her body in the house. Petitioner had illicit relation with the deceased. He assisted Rabindranath in the murder. He is not named in the F.I.R. Though witnesses claimed that they had heard from one Tanmoy Bairagy about the incident on 4th March, 2022, said Tanmoy Bairagy had been examined after four months. Credibility of his statement implicating the petitioner requires to be assessed in the backdrop of the aforesaid circumstance. No

forensic report with regard to the recovered weapon is placed before us. Keeping in mind the extent of complicity of the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

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 Additional District and Sessions Judge, Fast Track Court, Ranaghat, Nadia, 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.)