

19.01.2023
tkm/ct 28
sl no. 52

C.R.M. (DB) 250 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rajarhat P.S case no. 296 of 2022 dated 21.9.2022 under sections 302/120B of the IPC and section 35 of the Arms Act

Allowed In Re : Samser Ali Molla and petitioner

Mr. Sandipan Ganguly, Sr. adv
Mr. Arkadeb Bhattacharya

..... for the petitioner

Mr. R D Nandy
Mrs. Sonali Das

..... for the State

Petitioner is in custody for 90 days. Co-accused Mizanoor Rahaman was enlarged on bail. He prays for bail on parity.

Learned lawyer for the State opposes the bail prayer and submits petitioner was seen handing over a black bag to Kamal @ Raja and Rakesh who had been hired to murder the deceased.

We have considered the materials on record. Petitioner did not have motive to commit the murder. Co-accused Mizanoor Rahaman who is standing more or less on the same footing with petitioner, has been enlarged on bail for reasons stated in CRM (DB) 65 of 2023. Same reasons apply with full force to the bail plea of the petitioner. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, North 24 Parganas at Barasat on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with

evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the district of North 24 Parganas except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said investigating officer as well as court below and shall report to the officer in charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 250 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)