

30.01.2023
61
sdas
allowed

CRM(DB) No. 345 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 72 of 2022 dated 20.02.2022 under Sections 302/34 of the Indian Penal Code.

And
In Re : Sakib @ Sk. Sakib petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Arijit Ganguly
Mr. Bibaswan Bhattacharya
..... for the State

Learned Counsel for the petitioner submits he is in custody for 70 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 petitioner had motive to commit the crime and had absconded.

We have considered the materials on record. Though petitioner had motive to commit the crime there is no material to show that he was present at the place of occurrence. He does not stand on the same footing with co-accused Wasim Akram @ Raj whose specimen finger print matched with the chance print recovered from the spot.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and as investigation is complete, 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, Malda, 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.)