

23.02.2023
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allowed

CRM(DB) No. 624 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 175 of 2021 dated 08.02.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Gopal Bag @ Suresh petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Anindya Ghosh
Mr. Souvik Das

.....for the petitioner

Mr. Noguive Ahamed, learned APP
..... for the State

Learned Counsel for the petitioner submits he is in custody for 736 days. Co-accused, Ranabir Hazra @ Ranbir Hazra is on bail. There is no direct evidence implicating the petitioner in the murder. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits offending weapon was seized.

We have considered the materials on record. Case is based on circumstantial evidence. Co-accused, Ranabir Hazra @ Ranbir Hazra is on bail. Under such circumstances we are inclined to extend the same privilege to the petitioner also.

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, Howrah, subject to condition that the 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.)