

23.02.2023
48
sdas
allowed

CRM(DB) No. 709 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 219 of 2022 dated 20.02.2022 under Sections 365/302/201/120B/34 of the Indian Penal Code.

And

In Re : Fuleswar Mahato petitioner

Mr. Kazi M. Rahman
.....for the petitioner

Mrs. Zareen N. Khan
Md. Kutubuddin
..... for the State

Ms. Juin Dutta Chakraborty
..... for defacto complainant

Learned Counsel for the petitioner submits he is in custody for 232 days. It is also submitted there is no direct evidence implicating him in the murder. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is a hired killer. Incriminating articles were recovered from his disclosure statement.

Learned Counsel for de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Case is based on circumstantial evidence. Co-accused is on bail. There is little possibility of trial concluding in the near future. Under such circumstances, 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, Uttar Dinajpur at Raiganj, on further conditions that while on bail the petitioner shall not enter the Raiganj Police Station until further orders except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Police Station concerned once in a week until further orders. 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.)