

13.03.2023.
42.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 904 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1274 of 2022 dated 26.09.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Shuvojit Bittar @ Shuvajit Bittar & Anr.
.... Petitioners.

Mr. Jisan Iqubal Hossain,
Ms. Channdrima Debnath,
Mr. Karnel Mondal.

...for the Petitioners.

Ms. Zareen N. Khan,
Mr. Asif Dewan.

...for the State.

Petitioners are in custody for 171 days. Investigation is complete. It is submitted there is no direct evidence implicating them in the murder.

Learned Advocate for the State opposes the bail prayer. He submits petitioners were present at the place of occurrence. They threatened the deceased. On their leading statement, weapon of offence i.e. bamboo stick was recovered.

We have considered the materials on record. Petitioners had gone to a picnic. A fight broke out. No one saw the petitioners assaulting the deceased. Impact of the alleged recovery requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Shuvojit Bittar @ Shuvajit Bittar and Samir Ghosh @ Biki shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Murshidabad at Berhampore subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)