

15.03.2023
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allowed

CRM(DB) No. 936 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Azimganj G.R.P.S. Case No. 14 of 2022 dated 25.11.2022 under Sections 302/201/120B of the Indian Penal Code and subsequently charge-sheeted under Sections 302/201/120B of the Indian Penal Code.

And
In Re : Hanif @ Dabir Sk. petitioner

Mr. Mrityunjoy Chatterjee
Mr. Samrat Paul
Mr. Debapriya Majumder
.....for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat
..... for the State

Learned Counsel for the petitioner submits he is in custody for 112 days. It is also submitted there is no direct evidence implicating the petitioner in the murder. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was the paramour of the wife of the deceased. He committed the murder. Wife of the deceased made extra-judicial confession.

We have considered the materials on record. Case is based on circumstantial evidence. Extra-judicial confession of a co-accused is a weak piece of evidence. Whether the circumstances relied by the prosecution would unerringly point to the guilt of the petitioner may be considered during trial. Investigation is

complete. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to the 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.)