

17.03.2023.
24.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 941 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P. S. Case No.243 of 2022 dated 03.10.2022 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 448/302 of the Indian Penal Code.

In the matter of : Soumen Das.

.... Petitioner.

Mr. Arindam Jana,
Mr. Asraf Mandal.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. A. Das.

...for the State.

Petitioner is in custody for 121 days. He submits there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had borrowed money from the deceased widow. He made phone calls to the deceased. Soon thereafter, she was murdered. Incriminating articles were recovered from his possession.

We have considered the materials on record. CDRs collected during investigation show a number of phone calls were made by the petitioner to the deceased. However, petitioner was not last seen with the deceased. Whether in the factual matrix the recoveries would constitute a complete chain to implicate the petitioner in the murder may be assessed during trial. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Soumen Das 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, Tehatta, Nadia subject to condition that he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)