

20.03.2023.
69.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 987 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Nadia Case No.137 of 2016 dated 24.03.2016 under Sections 324/326/307/302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act read with Section 9(b) of the Indian Explosives Act.

In the matter of : Aoulad Mir.

.... Petitioner.

Mr. Bitasok Banerjee,
Mr. Pankaj Halder.

...for the Petitioner.

Mr. Noguive Ahmed, Id. A.P.P.,
Ms. Jonali Saha.

...for the State.

Petitioner is in custody for 183 days. It is submitted there is no reliable evidence connecting him with the murder. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. Petitioner was not present at the place of occurrence. His complicity has arisen from statement of a witness who heard the petitioner and co-accuseds hatch a conspiracy. Co-accuseds are on bail. Though petitioner had absconded for a protracted period of time, we are of the opinion there is no possibility of trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner viz., Aoulad Mir 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, Kakdwip, South 24-Paraganas 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Dholahat Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Dholahat Police Station once in a month until further orders.

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.)