

28.03.2023
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allowed

CRM(DB) No. 1129 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Noapara Police Station Case No. 133 of 2015 dated 17.05.2015 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and charge-sheet submitted under Sections 302/34 of the Indian Penal Code adding Section 120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Umesh Ray @ Bhola Roy petitioner

Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Mr. Soumya Kanti Chandra
Mr. Abhijit Singh

....for the petitioner

Mr. Nguive Ahmed, learned APP
Ms. Trina Mitra

.... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is no legally admissible evidence connecting the petitioner with the murder. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits while on bail petitioner had absconded.

We have considered the materials on record. Petitioner had been released on bail earlier. He was implicated in another case and was arrested. As a result he was unable to appear in the present case and warrant of arrest came to be issued. He has been released on bail in the other case. Keeping in mind the aforesaid circumstances and the extent of complicity of the petitioner in the murder, 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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas, subject to conditions 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.)