

30.03.2023
tkm/ct 28
sl no. 56

C.R.M. (DB) 1246 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur PS case no. 396 of 2022 dated 5.10.2022 under sections 302/201/34 of the IPC

And

Allowed

In Re : Arup Sardar

..... petitioner

Mr. A Biswas

Mr. A Singh

Ms. J Agarwal

..... for the petitioner

Mr. Swapan Banerjee

Mr. A S Chatterjee

..... for the State

Petitioner is in custody or 169 days. He submits there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Case is based on circumstantial evidence. Witnesses state the victim was last seen with the petitioner on 4.10.2022. His body was recovered on 13.10.2022. Whether the aforesaid circumstance would constitute a live link between the 'last seen' theory and the homicidal death has to be assessed during trial. No forensic report showing matching of finger print of the petitioner with those collected at the place of occurrence has been placed before us.

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

Accordingly, the petitioner 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

CJM, Nadia at Krishnanagar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 1246 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)