

31.03.2023
tkm/ct 28
sl no. 63

C.R.M. (DB) 1290 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj P.S case no. 464 of 2022 dated 9.4.2022 under sections 302/34 of the IPC
and

Allowed

In Re : Rakhal Biswas

..... petitioner

Mr. T Basu
Mr. M Adak

..... for the petitioner

Mr. N Ahmed
Ms. Jonaki Saha

..... for the State

Petitioner is in custody for 355 days. He submits there is no direct evidence connecting him with the murder. 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. A witness stated victim had consumed liquor from the shop of the petitioner. Thereafter, he was murdered. He suspected complicity of the petitioner. No forensic report with regard to recovered articles from the petitioner is placed on record. Whether the aforesaid circumstances relied upon by the prosecution forms a complete chain pointing to the guilt of the petitioner may be assessed during trial.

Keeping in mind the aforesaid facts and as there is no possibility of trial concluding in the near future is bleak, 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, Uttar Dinajpur at Raiganj 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) 1290 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)