

11.08.2023.

11.

Ct.No.28.

as

(Allowed)

C.R.M. (DB) 1684 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rishra P.S. Case No.129 of 2017 dated 18.10.2017 under Sections 364/367/302/201/34 of the Indian Penal Code.

In the matter of : Rakesh Singh.

.... Petitioner.

Mr. Malay Bhattachryya,
Mr. Subhrajyoti Ghosh,
Mr. Dibakar Sardar.

...for the Petitioner.

Mr. Nguive Ahamed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

1. Petitioner is in custody for more than two years. He submits there is no legally admissible evidence connecting him with the murder. He has been arrested for the murder of one Jaymangal Yadav @ Mongla, Pappu and Saddam out of mere suspicion. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. During the hearing of the case, we were informed whereabouts of Pappu and Saddam (who were allegedly murder) had not been discovered. Police report had been filed. Noticing indifferent investigation, by order dated 1.5.2023, we directed the Commissioner of Police, Chandannagar Commissionerate to conduct further investigation with regard to the alleged murder of Pappu and Saddam and the role of the petitioner therein.

4. Pursuant to such direction, further investigation has been undertaken. Report with regard to further investigation is placed on record.

5. We have perused the report in the light of the materials on record. Materials collected till date do not disclose the whereabouts of the aforesaid Pappu and Saddam who are alleged to have been murdered. Apart from the confessional statement of the petitioner and co-accused, no legally admissible evidence showing his role in the crime has also transpired.

5. Under such circumstances, we are of the opinion further detention of the petitioner is unwarranted. Hence, we direct him to be released on bail subject to strict conditions.

6. Accordingly, the petitioner viz., Rakesh Singh shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly 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 that the petitioner while on bail shall remain within the district of Hooghly and report to the Officer-in-charge of Rishra Police Station once in a week until further orders.

7. 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.

8. Further investigating in the matter shall continue and be taken to its logical conclusion.

9. Personal appearance of the Investigating officer is noted and dispensed with.

10. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)