

04.05.2023.
21.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1812 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bharatpur P. S. Case No.352 of 2022 dated 24.10.2022 under Sections 392/302/328/411/34 of the Indian Penal Code.

In the matter of : Misad Sk. @ Kalu.

.... Petitioner.

Mr. Navanil De,
Ms. Ayantika Roy,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey,
Ms. Monami Mukherjee.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.

...for the State.

Petitioner is in custody for 163 days. He did not assault the deceased. Co-accused sold the mobile to the deceased. He is in no way connected with the murder. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. It appears mobile phone of the deceased was recovered from the petitioner. He contends it was sold to him by the co-accused. Statements of witnesses do not show his presence at the place of occurrence. He does not stand on the same footing with co-accused whose bail prayer was turned down by this Court.

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

Accordingly, the petitioner viz., Misad Sk. @ Kalu 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, Kandi, Murshidabad 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.

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.)