

11.05.2023
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allowed

CRM(DB) No. 1866 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 1572 of 2022 dated 24.12.2022 under Section 302 of the Indian Penal Code and charge-sheet submitted under Sections 302/120B/392/411/201/34 of the Indian Penal Code.

And

In Re : Samul Ali alias Samsul petitioner

Mr. Subir Banerjee
Mr. Sandip Bandyopadhyay
Mrs. Ruxmini Basu Roy
....for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra
.... for the State

Learned Counsel for the petitioner submits he is in custody for 128 days. It is also submitted he had no role in the murder of the victim. Stolen article was not recovered from his possession. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. CCTV footage does not show petitioner had abducted victim with the vehicle i.e. Toto. Complicity of the petitioner is based on statement of the co-accused that he intended to purchase the said Toto. Keeping in mind the aforesaid facts including the extent the role of the petitioner in the crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Uttar Dinajpur at Raiganj, 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.)