

12.05.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1899 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S. Case No.594 of 2022 dated 08.12.2022 under Sections 302/201/34 of the Indian Penal Code and charge sheet submitted under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Kunal Halder.

.... Petitioner.

Mr. Swapan Kr. Chatterjee,
Mr. Moniruzzaman.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitrra.

...for the State.

Petitioner is in custody for 147 days. It is submitted there is no direct evidence connecting him with the murder. Co-accused have been enlarged on bail. Live link between commission of murder and alleged recovery has not been established. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner was hired by one Joy Saha and his associate Sukla Biswas to murder the victim. Ornaments of the lady and other incriminating articles were recovered on the leading statement of the petitioner.

We have considered the materials on record. Victim is the mother of co-accused said Joy Saha. Another accused Sukla Biswas levelled allegation of rape against Joy Saha. He was arrested and was in police custody. After being released on

bail, he returned and found his mother had been murdered. Subsequently, this case was registered when it is alleged there was conspiracy between said Joy Saha and Sukla Biswas to hire the petitioner to murder the lady. The meeting of minds between the accused are primarily based on their statements before police. Joy Saha and Sukla Biswas are on bail. Alleged recovery on the leading statement of the petitioner was made after a considerable lapse of time from the date of occurrence. Whether the live link between the alleged recovery and the murder has been established in the aforesaid factual matrix may be assessed during trial.

Keeping in mind the aforesaid facts and as co-accused are on bail and the case against the petitioner is based on a belated recovery, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Kunal Halder shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judicial Magistrate, Nabadwip, Nadia 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.)