

17.05.2023.
33.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1935 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.1509 of 2022 dated 10.12.2022 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Mojaffar Hussain @ Mojaffor Hossain.
.... Petitioner.

Mr. Kaushik Chaudhury,
Ms. Busra Khatun.
...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.
...for the State.

Petitioner is in custody for 146 days. It is submitted there is no direct evidence connecting the petitioner with the murder. He prays for bail.

Learned Advocate for the State opposes the bail prayer. She submits petitioner had taken the victim and the co-accused to the spot. There she was murdered. CDRs showing telephonic communication between petitioner and co-accused.

We have considered the materials on record. The case is based on circumstantial evidence. Complicity of the petitioner transpires from the statement of co-accused. No legally admissible material corroborating the CDRs collected during investigation is placed on record. Though petitioner was in police custody, no incriminating article was recovered from him. His bike was recovered from his residence.

Keeping in mind the extent of complicity of the petitioner in the crime, period of detention suffered by him and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Mojaffar Hussain @ Mojaffor Hossain 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 Chief Judicial Magistrate, Uttar Dinajpur 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.)