

07.06.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2066 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.339 of 2012 dated 22.04.2012 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/34 of the Indian Penal Code.

In the matter of : Fajrul Hoque @ Faijul Haque.

.... Petitioner.

Ms. Jeenia Rudra,
Ms. Megha Chanda.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Pursuant to the earlier order dated 5th June, 2023, presence of the Investigating Officer is noted and dispensed with.

Petitioner is in custody for 56 days. It is submitted he has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for more than a decade.

We have considered the materials on record. Conduct of the petitioner is not appreciable but there is no direct evidence connecting him with the murder. Though it is claimed victim had stated to witnesses that he had been called by the petitioner to go to his residence, CDRs collected during investigation do not corroborate such fact.

In view of the flimsy material on record, we are of the opinion though detention of the petitioner is not necessary but

his movement requires to be restricted in order to ensure his attendance during trial.

Accordingly, the petitioner viz., Fajrul Hoque @ Faijul Haque 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, Raiganj, 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 and on further condition that the petitioner while on bail shall remain within the District of Uttar Dinajpur and report to the Officer-in-charge, Raiganj Police Station once in a week until further orders.

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.)