

03.07.2023
tkm/ct 28
sl no. 82

C.R.M. (DB) 2404 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda P.S case no. 25 of 2023 dated 24.1.2023 under section 302/201 IPC , charge sheet submitted under sections 302/201/34 IPC
and

Allowed

In Re : Sachin Rajbanshi

... petitioner

Mr. Kallol Mondal
Mr. M A Sk.

..... for the petitioner

Mr. S Bapuli
Mr. Bibaswan Bhattacharya

..... for the State

Petitioner is in custody for 157 days. It is submitted that there is no direct evidence connecting him with the murder.

Learned lawyer for the State opposes the bail prayer. He submits that the petitioner had threatened the victim prior to the incident. On his leading statement, a bamboo stick was recovered.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the crime. No one had seen the victim with the petitioner prior to the incident. Whether the alleged recovery and other circumstances are sufficient to form a complete chain and establish guilt may be assessed during trial. Investigation is complete. There is no possibility of the petitioner absconding or evading the process of law.

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

Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that petitioner while on bail shall not enter the district of Malda until further orders and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 2404 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)