

03.07.2023.

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Ct.No.28

ss/SD

(Allowed)

C.R.M. (DB) 2451 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.76 of 2023 dated 28.01.2023 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : Badal Mandal @ Gopal Mandal
@ Gopal Kumar Mandal & anr.

.... Petitioners.

Md. Wasim Akram

...for the Petitioners.

Mrs. Anusuya Sinha

Mr. Pinak Kr. Mitra

...for the State.

Heard learned lawyers for the parties.

Petitioners are in custody for 360 days.

We have considered the materials on record. There is no direct evidence implicating the petitioners in murder.

Learned lawyer for the State submits that the co-accused made the confessional statement implicating the petitioners. On their leading statements weapon of offence was recovered.

We have considered the materials on record and the statement of co-accused. No forensic report supporting the allegation that the weapon recovered pursuant to the leading statement of the petitioners was used to commit the crime is placed on record. Whether the incriminating circumstances are sufficient to establish guilt of the petitioners may be assessed during trial.

Keeping in mind the aforesaid facts and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners 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 A.C.J.M., Chanchal, Malda, subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)