

03.07.2023.
141
Ct.No.28
ss/SD
(Allowed)

C.R.M. (DB) 2474 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1253 of 2022 dated 22.09.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Mojammel Sk. @ Japan @ Mozzamel Sk.
.... Petitioner.

Mr. Sabir Ahmed
Mr. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Dhiman Banerjee

...for the Petitioner.

Mr. Sudip Ghosh
Mr. Kaushik Kundu

...for the State.

Heard learned lawyers for the parties.

Petitioner is in custody for 286 days. It is submitted that there is no direct evidence that he had murdered the victim. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits that the petitioner had threatened his grandfather and grandmother, both of whom were subsequently killed.

We have considered the materials on record. No one saw the petitioner entering the house where the two elderly persons were murdered. Mere motive to commit the crime cannot be established their culpability.

Keeping in mind the aforesaid facts and circumstances and as investigation is complete, there is no chance of abscondance, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 A.C.J.M., Berhampore at Murshidabad, 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.)