

26.07.2023.
15.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2887 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail P. S. Case No.351 of 2021 dated 23.03.2021 under Sections 302/34 of the Indian Penal Code.

In the matter of : Bappa Naskar.

.... Petitioner.

Ms. Devi Priya Mitra.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for more than two years. He contends there is no direct evidence connecting him with the murder. Co-accused are on bail. Only one witness has been examined till date. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had illicit relationship with the deceased. Call Detailed Records (for short CDRs) collected during investigation show telephonic exchanges between petitioner and the deceased prior to the occurrence.

We have considered the materials on record. Case is based on circumstantial evidence. Though there is evidence with regard to motive, no material is placed before us to show petitioner was last seen with the victim. Witnesses merely state petitioner and his family members were seen in the room where the dead body of the victim was lying. His family members are on bail. There is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Bappa Naskar 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 Chief Judicial Magistrate, Howrah 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.)