

28.07.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 2997 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj PS case no. 1509 of 2022 dated 10.12.2022 under sections 302/201/34 of the IPC
And

Allowed

In Re : Aktar Ali petitioner

Mr. K Choudhury
Ms. Busra Khatoon

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Minak Gupta

..... for the State

Petitioner is in custody for 222 days. It is submitted co-accused Mojaffar Hussain has been enlarged on bail. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits that there were telephonic conversations between the petitioner and the victim. Statement of the sister of the victim recorded under section 164 Cr.P.C shows that she had accompanied the petitioner on the day of occurrence.

We have considered the materials on record. Statement of the sister of the victim must be tested in the backdrop of the FIR where this fact is significantly absent. In fact, FIR was registered against unknown miscreants. Veracity requires to be assessed in the light of the attending circumstances during trial. No other clinching evidence implicating the petitioner in the murder is found. Bail prayer of the co-accused Laltu Das @ Bahadur was turned down as the personal belongings of the deceased were recovered pursuant to his leading statement.

Hence, we are inclined to grant bail to the petitioner.

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 Uttar Dinajpur at Raiganj 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.

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) 2997 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)