

03.08.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3074 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Frezerganj Coastal P.S. Case No.22 of 2023 dated 05.03.2023 under Section 302 of the Indian Penal Code.

In the matter of : Rabin Mondal @ Bhola.

.... Petitioner.

Mr. Tapas Kr. Mondal.

...for the Petitioner.

Mr. Sanjoy Banerjee,

Mr. Suman De.

...for the State.

Petitioner is in custody for 143 days. It is submitted there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits evidence collected during investigation show petitioner and the deceased had a romantic relationship but the relations of the petitioner were not agreeable to the marriage. Subsequently, petitioner started suspecting the deceased. There were telephonic conversations between them and the petitioner was seen near the place where the dead body of the deceased was recovered. Date has been fixed for recording evidence.

We have considered the materials on record. Case is based on circumstantial evidence. Statements of witnesses show there was an intimate relationship between the parties but marriage could not fructify. Petitioner was suspecting the

deceased had developed other relationship. Although these materials may give a hint of motive, there is no evidence on record to show petitioner was last seen alive with the deceased. The solitary material placed by prosecution is that the victim was seen roaming around the place wherefrom the dead body was recovered. Whether this circumstance would be sufficient to establish the guilt of the petitioner requires to be assessed during trial.

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

Accordingly, the petitioner viz., Rabin Mondal @ Bhola 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas 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 and on further condition that the petitioner while on bail shall remain within Frezerganj Police Station except for court proceeding and report to the Officer-in-charge of Frezerganj Police Station once in a week until further orders.

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.

This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)