

18.08.2023
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allowed

CRM(DB) No. 3195 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 05 of 2023 dated 02.01.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re : Sunil Adhikary & Anr. petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Rudradipta Nandy, learned APP

Ms. Zareen M. Khan

Mr. Asif Dewan

.... for the State

1. Petitioners are in custody for over 100 days. It is also contended that there is no direct evidence connecting them with the murder. Investigation is complete. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners were seen with the co-accused, Swapan Rava (father of the deceased) prior to the incident. Thereafter body of the deceased was recovered. On the leading statement of the petitioner no. 2 weapon of offence i.e. iron wire was recovered. Personal belonging of petitioner no. 2 was also recovered from the place of occurrence.

3. We have considered the materials on record. Petitioners did not have motive to commit the crime. None of the witnesses saw them with the deceased prior to the incident. Whether the alleged recoveries would form a complete chain to implicate the petitioners in the murder may be assessed during trial.

Investigation is complete. There is no chance of abscondence. Hence, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, on further condition that while on bail petitioners shall remain within the jurisdiction of district Nadia except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of Santipur Police Station once in a week until further orders. Petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)