

16.08.2023
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allowed

CRM(DB) No. 3207 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 93 of 2021 dated 04.03.2021 under Sections 363/365 of the Indian Penal Code and adding Sections 302/201 of the Indian Penal Code.

And

In Re : Biswajit Dolui @ Bishwajit Dolui petitioner

Mr. Suman Chakraborty

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Manoranjan Mahata

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eight months. It is also submitted that there is no progress in the matter since rejection of bail by this Court in June, 2022. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits one witness has been examined.

3. We have considered the materials on record. Case is based on circumstantial evidence. None of the witnesses state that the petitioner was last seen with the victim. No forensic report with regard to the weapon of offence allegedly recovered on the leading statement of the petitioner has been placed on record. Whether incriminating circumstance would form a complete chain requires to be assessed during trial. There is little progress in the trial since rejection of bail in June, 2022. Only one witness has been examined till date. There is little possibility of trial

concluding in the near future. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly, subject to conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his 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.)