

24.08.2023.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3326 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No.299 of 2023 dated 07.04.2023 under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act.

In the matter of : Giasuddin Biswas @ Geshuddin @
Giasuddin.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

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

...for the State.

1. Petitioner is in custody for 130 days. He submits he was not present at the place of occurrence. Allegation of conspiracy is not founded on legally admissible evidence. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Daughter of the victim stated there was enmity between petitioner and the deceased. Accordingly, she suspected petitioner had conspired with the co-accused to murder her father. Suspicion, however, high cannot be treated as legally admissible evidence in trial. No other materials showing meeting of minds between petitioner and co-accused is placed on record. Investigation is complete. There is no possibility of his abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner viz., Giasuddin Biswas @ Geshuddin @ Giasuddin 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, Ranaghat, Nadia 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.

5. 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.

6. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)