

06.09.2023
tkm/ct 28
sl no. 31

C.R.M. (DB) 3484 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranibandh P.S case no. 72 of 2023 dated 6.5.2023 under sections 302/120B/201 IPC
and

Allowed

In Re : Arabinda Mudi & Ors. ... petitioners

Mr. Samiran Mondal
Mr. A Dan

..... for the petitioners

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

1. Petitioners are in custody for 119 days. It is submitted there is no direct evidence connecting them with the crime. They pray for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits on the leading statement of the petitioners weapon of offence and blood-stained napkin were recovered. They had motive to commit the crime.
3. We have considered the materials on record. Petitioners were not named in the FIR. No evidence is placed on record to show they were last seen with the victim prior to the incident. Forensic report with regard to the seized weapon has also not been placed on record. There is no chance of abscondence. Keeping in mind the nature of offence and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.
4. Accordingly, the petitioners 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 ACJM, Khatra on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

6. The application being CRM (DB) 3484 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)