

19.09.2023
tkm/ct 28
sl no. 38

C.R.M. (DB) 3526 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bidhannagar South P.S case no. 176 of 2016 dated 13.9.2016 under sections 302/34 IPC
and

Allowed

In Re : Kiran Tohur Sk ... petitioner

Mr. Abhishek Sinha
Ms. Roma Roy
Mr. M Debnath

..... for the petitioner

Mr. M Sur
Mr. D Paramanick

..... for the State

1. Petitioner is in custody for seven years. He submits there is inordinate delay in trial. There is no direct evidence connecting him with the murder. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits eight witnesses have already been examined. Other witnesses shall be examined shortly. Petitioner was working as a mason and was last seen with the victim by one Ratan Adak. Gold jewellery of the victim was recovered from the petitioner.
3. We have considered the materials on record including the evidence of the witnesses examined till date. Said Ratan Adak was examined as PW4. He did not state he had seen the victim and the petitioner together. Vital witness has not proved the last seen circumstance. In view of the nature of evidence on record and protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner 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 ACJM, Barasat on condition that the petitioner shall appear before the trial court on every date of hearing 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 the district of North 24 Parganas and shall provide the address where he shall presently reside to the investigating agency as well as the court below and shall report to the Officer-in-Charge of Bidhannagar police station once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 3526 of 2023 is disposed of.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)