

19.09.2023
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allowed

CRM(DB) No. 3648 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalna Police Station Case No. 1192 of 2022 dated 03.12.2022 under Section 365 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 302/201/341 of the Indian Penal Code.

And

In Re : Suresh Hembram @ Ladu & Ors. petitioners

Mr. Jyoti Prakash Chatterjee

....for the petitioners

Mr. Neguive Ahamed, learned APP

Ms. Amita Gaur

.... for the State

1. Learned Counsel for the petitioners submits there is no direct evidence that they committed the murder. They are in custody for over 280 days. There is no chance of abscondence. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners are migrant labourers. They were seen quarrelling with the victim near a pond. Subsequently dead body of the victim was recovered from the pond. On the showing of petitioner no. 2 personal belongings of the victim were recovered from a tent.

3. We have considered the materials on record. Petitioners and the victim were seen quarrelling on 1st December, 2022. On 4th December, 2022 dead body of the victim was recovered. Whether there is livelink between the “last seen” circumstances and the “homicidal death” requires to be assessed during trial. Recovery was made from a place which is not in the exclusive

control of petitioner no. 2. In view of the aforesaid circumstances we are of the opinion further detention is not necessary and petitioners may be enlarged on bail subject to conditions.

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, Kalna, Purba Bardhaman, on further condition that while on bail petitioners shall remain within the district of Purba Bardhaman except for the purposes of investigation and /or attending court proceeding and shall provide address where they shall reside to the investigating agency and shall meet the officer-in-charge of Kalna 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.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)