

21.09.2023
11
sdas
allowed

CRM(DB) No. 3668 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 53 of 2023 dated 13.02.2023 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Monirul Sk. petitioner

Mr. Sabir Ahmed
Mr. Hussien Mustafi
Mr. Tasnim Ahmed
Ms. Suman Biswas
Mr. Soham Chakraborty

....for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 133 days. It is also submitted there is no direct evidence connecting him with the murder. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had motive to commit the crime. On his leading statement weapon of offence was recovered.

3. We have considered the materials on record. Statements of the relations of the deceased disclose there was enmity between the petitioner and the deceased but no one saw them together on the date of the incident. Alleged recovery of the weapon of offence is from an open field which is accessible to all. Forensic report to show presence of blood on the seized weapon has not been

placed. Investigation is complete. There is no chance of abscondence. 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, Lalbagh, Murshidabad, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)