

04.10.2023.
40.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3816 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pandabeswar P.S. Case No.107 of 2021 dated 11.08.2021 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : **Dhananjoy Bagdi.**

.... Petitioner.

Mr. Monish Sen,
Ms. Oisani Mukherjee.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

1. Petitioner is in custody for 774 days. He submits there is no legally admissible evidence implicating him in the crime. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Witnesses have not implicated the petitioner in the crime. His complicity transpires from the statement of co-accused before a police officer which are inadmissible in evidence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Dhananjoy Bagdi** 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, Durgapur, Paschim Bardhaman 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)