05.10.2023.
55.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3852 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tangra P.S. Case No.58 of 2023 dated 08.03.2023 under Sections 302/394/201/34 of the Indian Penal Code.

In the matter of : **Md. Imran Ahmed**.

.... Petitioner.

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.

...for the Petitioner.

Mrs. Anasuya Sinha,
Ms. Sayanti Santra.

...for the State.

1. Petitioner is a relation of the principal accused. He submits he had not committed the murder. Allegation at its height would involve destruction of evidence and nothing more. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. She contends petitioner is the brother of the principal accused. After the incident he arranged for painting of the house to remove bloodstain.

3. We have considered the materials on record. There is nothing to show that petitioner had participated in the murder. Whether subsequent painting of the house purportedly to remove bloodstains would constitute act of conspiracy requires to be assessed during trial. Petitioner did not abscond and was arrested shortly after the occurrence.

4. Keeping in mind the aforesaid facts and the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz, **Md. Imran Ahmed** 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, Sealdah, North 24-Paraganas 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 and on further condition that the petitioner while on bail shall remain within Tiljala Police Station and report to the Officer-in-charge of Tiljala Police Station once in a week until further orders.

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.)**