

05.10.2023.
53.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3850 of 2023

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

In the matter of : **Majibar Sk @ Sekh Majibar.**

.... Petitioner.

Md. Sabir Ahmed,
Mr. Husen Mustafi,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee.

...for the Petitioner.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the de-facto complainant.

1. Petitioner is in custody for 147 days. Case is based on circumstantial evidence. Co-accused has been enlarged on bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Statements of witnesses show there was enmity between the parties. But nobody had seen the petitioner with the deceased prior to the incident.
5. Keeping in mind the aforesaid circumstances and the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz, **Majibar Sk @ Sekh Majibar** 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 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)