

06.10.2023
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allowed

CRM(DB) No. 3855 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saltora Police Station Case No. 109 of 2022 dated 26.08.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Md. Gulam Jilani petitioner

Mr. Soumik Ganguli

Ms. Chandana Chakraborty

....for the petitioner

Ms. Zareen N. Khan

Md. Kutubuddin

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 405 days. It is also submitted that there is no direct evidence connecting him with the murder. Co-accused, Abdul Kader has been released on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had motive to commit the crime. There are incriminating recoveries made at the behest of the petitioner.

3. We have considered the materials on record. Case is based on circumstantial evidence. Witnesses stated petitioner and co-accused Abdul Kader were seen going inside the house of the victim. Thereafter victim was found dead. Co-accused Abdul Kader has been released on bail. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

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 Chief Judicial Magistrate, Bankura, subject to condition 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 automatically without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)