

17.10.2023
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allowed

CRM(DB) No. 4017 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol (South) Police Station Case No. 186 of 2023 dated 13.06.2023 under Sections 363/365/302/201/34/120B of the Indian Penal Code.

And

In Re : Manoj Kumar Yadav petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Somopriyo Chowdhury

Mr. Avishek Bhandari

Mr. Arkodeb Bhattacharya

Mr. Dipayan Dan

....for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

.... for the State

1. Report submitted in Court is placed on record.
2. Learned senior Counsel for the petitioner submits he is in custody for 123 days. It is also submitted that the victim was a practising lawyer. Petitioner was associated with the victim in a professional capacity. He had no role to play in the murder and has been falsely implicated. Accordingly, he prays for bail.
3. Learned Counsel for the State opposes the prayer for bail and submits petitioner had entered into conspiracy with the wife of the victim and others to commit the murder. CDRs show telephonic communications between them.
4. We have considered the materials on record including the CDRs. Statements of the witnesses do not show petitioner was present at the place of occurrence. Apart from one telephone call on 09.06.2023 for 24 seconds there is no phone call prior to the occurrence. Involvement of the petitioner in the crime is subsequent to the incident. It appears to be restricted to the

disposal of the dead body. Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

5. Learned senior Counsel for the petitioner submits as the victim is a practising lawyer he may not be able to furnish sureties before the jurisdictional Magistrate. 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 who may be family members of the petitioner, to the satisfaction of the learned Sessions Judge, Asansol, Paschim Bardhaman and on further condition that while on bail petitioner shall not enter the jurisdiction of Asansol (South) Police Station except for the purposes of investigation and /or attending court proceeding and shall provide address where he shall reside to the investigating agency as well as court below and shall meet the officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

