

28.11.2023
tkm/ct 28
sl no. 55

C.R.M. (DB) 4307 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baduria P.S case no. 670 of 2022 dated 1.10.2022 under section 302 IPC
and

Allowed

In Re : Alif Noor Gazi

..... petitioner

Mr. S Lahiri
Mr. S Azam

..... for the petitioner

Mr. Z N Khan
Ms. Sujata Das

..... for the State

1. Petitioner is in custody for one year. He contends there is no direct evidence connecting him with the murder. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Prosecution case essentially hinges on witnesses who claim petitioner was last seen dragging the victim. No one saw the incident. Death is due to poisoning. There is no direct evidence that the victim had consumed poison himself or had been administered poison.
4. Under such circumstances we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 ACJM Basirhat, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (DB) 4307 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)