

28.11.2023
tkm/ct 28
sl no. 58

C.R.M. (DB) 4312 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehata P.S case no. 519 of 2021 dated 6.10.2021 under sections 364/376D/302/34 IPC
and

Allowed

In Re : Samarjit Bhakta @ Sarajit Bhakta petitioner

Mr. Arnab Chattejee
Mr. A Islam
Mr. S Mukherjee
Ms. P Bose

..... for the petitioner

Mr. Z N Khan
Ms. Subrato Roy

..... for the State

1. Petitioner is in custody for 122 days. He contends there is no direct evidence connecting him with the crime. Co-accused are on bail/pre-arrest bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. She contends petitioner used to threaten the victim who was raped and murdered.
3. We have considered the materials on record. Allegations are very grave and involve rape and murder of a victim girl. But the evidence against the petitioner is scanty. Apart from the allegations that he used to threaten the victim, there is no evidence that he was present at the place of occurrence or even last seen with the victim. No forensic report with regard to presence of bodily fluids of the petitioner on the victim has also been placed before us. Co-accused are on bail/anticipatory bail.
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 Tehatta, Nadia 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) 4312 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)