

19.12.2023
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allowed

CRM(DB) No. 4340 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 14 of 2019 dated 08.01.2019 under Sections 365/302/201/34 of the Indian Penal Code.

And

In Re : Manirul Islam petitioner

Mr. Sagar Saha

....for the petitioner

Mr. Swapan Banerjee

Mr. Bitasok Banerjee

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 115 days. It is also submitted there is no cogent evidence collected against him. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Case is based on circumstantial evidence. We have also considered the statements of the witnesses. They state petitioner was seen talking with deceased prior to the incident. Whether the said circumstance is clinching enough to unerringly point to his guilt may be assessed during trial. Bearing in mind the nature of evidence collected against the petitioner we are inclined to grant bail to the petitioner.

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, Malda,

subject to conditions 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)