

21.12.2023.
113.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4742 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beliaberah P.S. Case No.55 of 2023 dated 16.05.2023 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Bivas Bala.**

.... Petitioner.

Mr. Sagar Saha,
Mr. Dilip Kr. Das.

...for the Petitioners.

Mr. Arijit Ganguly
Mr. Sujoy Sarkar.

...for the State.

1. Petitioner is in custody for 152 days. It is submitted he has been falsely implicated. There is no direct evidence connecting him with the murder. He prays for bail.
2. Learned Advocate for State opposes the bail prayer. He contends there was animosity between the parties and the petitioner was seen going up the stairs. Victim was thrown from the terrace and murdered.
3. We have considered the materials on record. There is no direct evidence that petitioner had committed the murder. Possibility of false implication of the petitioner due to suspicion cannot be ruled out. Investigation is complete. There is no chance of abscondence.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Bivas Bala** 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, Jhargram subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)