

21.12.2023
tkm/ct 28
sl no. 97

C.R.M. (DB) 4725 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Uttarpara P.S case no. 123 of 2023 dated 9.4.2023 under sections 304/34 IPC, charge sheet submitted under sections 302/201/120B IPC
and

Allowed

In Re : Biswajit Mondal

..... petitioner

Mr. Imatiaz Ahmed
Mrs. G Firdous
Md. M Islam
Mr. Sk. Saidullah
Mr. Md. Arsalan

..... for the petitioner

Mr. S S Imam
Mr. R Jana

..... for the State

1. Liberty is given to correct the cause title.
2. Petitioner submits his son in law had been murdered. Out of suspicion he has been falsely implicated. He prays for bail.
3. Learned lawyer for the State opposes the bail prayer. He submits petitioner had enmity with his son in law. CDRs show tower locations of the petitioner and the victim are the same which gives an inference that petitioner had committed the murder.
4. We have considered the materials on record. Statements of witnesses show victim had come to the residence of the petitioner. In view of the relationship of the parties this circumstance *per se* may not give rise to an incriminating circumstance. Apart from the aforesaid material, prosecution relies on tower location to show petitioner and the victim were together at the place of occurrence. No

report of service provider with regard to range of tower is placed on record.

5. Whether these circumstances will form a complete chain implicating the petitioner to the murder requires to be assessed during trial. There is no chance of abscondence.
6. Under such circumstances we are inclined to grant bail to the petitioner.
7. 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, Serampore, Hooghly 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.
8. 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.
9. The application being CRM (DB) 4725 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)