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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 678 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 156 of 2023 dated 25.03.2023 under Sections 302/201/109 of the Indian Penal Code.

And

In Re : Mominul Islam petitioner

Mr. Gobinda Ghosh

.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Subhasish Misra

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 250 days. It is also submitted there is no direct evidence connecting the petitioner with the murder. He prays for bail.

2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner was the fiancé of the victim lady. On the previous night they had a quarrel over telephone. On the next day dead body of the petitioner was found in a pond.

3. We have considered the materials on record. Apart from showing that the petitioner and the victim had a quarrel over telephone on the previous night there is no clinching evidence that the petitioner and the victim were last seen

together prior to the incident. No other incriminating material has already transpired in the course of the investigation. Whether the circumstances relied on by the prosecution are sufficient to form a complete chain pointing to the guilt of the petitioner may be assessed during trial. There is no chance of his abscondence. Under such circumstances, 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, Jalpaiguri, subject to condition that the 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 and on further conditions that while on bail petitioner shall stay within the jurisdiction of Rajganj Police Station except for attending court proceedings and shall meet the officer-in-charge of the concerned police station once in a week until further orders.

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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

