

09.01.2024

35

sdas

Allowed

C.R.M. (DB) No. 31 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 161 of 2020 dated 13.05.2020 under Sections 302/34 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Sapikul Sk. @ Chanaryl @ Chandu @ Chanarul petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

.....for the petitioner

Mr. Swapan Banerjee
Ms. Ayantika Roy

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 3 years and seven months. It is also submitted eye-witnesses have not supported the prosecution case. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial has progressed substantially.

3. We have considered the materials on record. Eye-witnesses have not supported the prosecution case. In view of the aforesaid development and absence of legally admissible evidence implicating the petitioner in the crime, we are inclined to grant bail to him.

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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to condition that petitioner 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.

5. In the event 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.

6. The application for bail is, accordingly allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)