

09.01.2024

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Allowed

C.R.M. (DB) No. 33 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 579 of 2023 dated 09.06.2023 under Sections 302/120B of the Indian Penal Code.

And

In Re : Sujit Biswas petitioner

Mr. Manish Kumar Das

Mr. Sumanta Das

.....for the petitioner

Mr. Debasish Roy, learned PP

Mr. Rudradipta Nandy, learned APP

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than six months. He has been falsely implicated in the case. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner and victim were seen together prior to the incident. On the leading statement of the petitioner weapon of offence i.e. knife was recovered.

3. We have considered the materials on record. Case is based on circumstantial evidence. Though statement of the witness shows petitioner and the victim were seen together prior to the incident it is to be seen whether the live link between the last seen theory and the murder has been established in the facts of the case or not. No forensic report with regard to seized

knife is placed on record. 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, 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.)