

15.01.2024.  
63.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 93 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua P.S. Case No.432 of 2022 dated 06.08.2022 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : **Nirmal Mandal @ Makhi & Anr.**

.... Petitioners.

Mr. Amanul Islam,  
Mr. Sourav mukherjee.

...for the Petitioners.

Mr. Abhra Mukherjee,  
Mr. S. S. Saha.

...for the State.

1. Petitioners are in custody for 525 days. It is contended there is no direct evidence connecting him with the murder. Accordingly, they pray for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits victim was last seen with the petitioner. On his leading statement, offending weapon was recovered.

3. We have considered the materials on record. No FSL report with regard to the seized weapon has been placed on record. It is to be assessed during trial whether the livelink between the last seen theory and the homicide is established.

4. Under such circumstances and in view of period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners viz., **Nirmal Mandal @ Makhi and Kanai Mandal** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that they 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**