

30.01.2024.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 227 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati P.S. Case No.233 of 2023 dated 16.07.2023 under Section 302 of the Indian Penal Code.

In the matter of : **Kanai Konai.**

.... Petitioner.

Mr. Rajendra Banerjee.

...for the Petitioner.

Mr. Shibaji Das.

...for the State.

1. Petitioner is in custody for 180 days. He submits he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. He submits petitioner had illicit relationship with the deceased. A neighbour saw him entering the room of the deceased in the evening. At night her body was found in the cattle shed. She had been murdered. A button from the shirt of the petitioner was recovered from the place of occurrence.
3. We have considered the materials on record. Case is based on circumstantial evidence. Fact that a neighbour had seen the petitioner entering the room of the victim does not find reflection in the first information report which was recorded two days after the incident. Forensic report with regard to recovered button from the place of occurrence is awaited.
4. Keeping in mind the aforesaid facts, we are of the opinion whether the incriminating circumstances relied on by the

prosecution would form a complete chain may be assessed during trial. There is no chance of abscondence.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Kanai Konai** 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, Rampurhat, Birbhum subject to condition that he 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 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)