

02.02.2024
Sl. No.49
akd
[ALLOWED]

C. R. M. (DB) 329 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.01.2024 in connection with Berhampore Police Station Case No.1088 of 2023 dated 03.08.2023 under Section 302 of the Indian Penal Code. (G.R. Case No.3562 of 2023)

And

In Re: ***Yean Haque @ Hoque @ Sk.***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Soumyajit Das
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six months. It is further submitted there is no direct evidence connecting him with the murder. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits wife and others claimed that petitioner had called the deceased over telephone. He went out. Subsequently, he was found murdered. Blood stained knife was recovered on the showing of the petitioner.
3. We have considered the materials on record. Statement of the wife and others that the petitioner had called the victim prior to the incident is not corroborated by Call Detail Records (CDRs) showing telephonic calls between petitioner and the deceased. Recovery of the knife was from a place of occurrence and it is doubtful whether it

was on the leading statement of the petitioner. In view of the aforesaid, we are of the opinion whether the incriminating circumstances relied upon by the prosecution are credible or that they would form a complete chain implicating the petitioner in the murder requires to be assessed during trial. Investigation is complete. There is no possibility of trial concluding in the near future. There is no chance of abscondence of the petitioner. Keeping in mind the aforesaid facts and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Yean Haque @ Hoque @ Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)