

09.02.2024.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 334 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi P.S. Case No.151 of 2023 dated 30.04.2023 under Section 302 of the Indian Penal Code and chare sheet submitted under Sections 302/120B of the Indian Penal Code.

In the matter of : **Ali Hasan @ Ali Hossain Sk. @ Sonu.**
.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Md. Golam Nure Imrohi,
Mr. Sourov Mondal,
Ms. Sompurna Chatterjee.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Rajesh Jana.

...for the State.

1. Petitioner is in custody for 242 days. He submits there is no direct evidence connecting him with the murder. Co-accused viz., Mabia Bibi is on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He relies on the statement of the son of Mabia.
3. We have considered the materials on record. We have also perused the statement of son of Mabia recorded before Magistrate. In the statement he stated on the fateful night petitioner has visited her mother. Thereafter, her mother and petitioner had gone out. On their return she found bloodstains on her mother. Even if the aforesaid statement is accepted, nothing transpires thereon to show that petitioner had access

to the victim on the fateful night. Motive to commit the crime is not attributable to the petitioner. Mabia is on bail.

4. Keeping in mind the aforesaid circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Ali Hasan @ Ali Hossain Sk. @ Sonu** 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, Jangipur, Murshidabad 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.)