

16.02.2024.
56.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 476 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P.S. Case No.917 of 2023 dated 29.11.2023 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Kajal Sk.**

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Asif Dewan.

...for the State.

1. Petitioner is in custody for 78 days. Investigation is complete. He has been falsely implicated out of surmises and conjectures. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had a dispute with victim over a banana plantation. He had threatened him on a number of occasions. On his leading statement, weapon of offence i.e. *hansua* was recovered.
3. We have considered the materials on record. There is no direct evidence connecting the petitioner with the crime. Prosecution relies on circumstantial evidence. Two circumstances relied on by the prosecution are namely, motive and recovery of weapon. But no FSL report with regard to the recovered weapon showing presence of human blood is placed on record. Whether the aforesaid circumstances are sufficient

to unerringly point to the guilt of the petitioner requires to be assessed during trial. There is no chance of abscondence.

4. Under such circumstances, we are of the opinion petitioner may be enlarged on bail subject to strict conditions.

5. Accordingly, the petitioner viz., **Kajal Sk** 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 Chief Judicial Magistrate, Nadia, Krishnanagar 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Chapra Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

