

08.03.2024
18
sdas
allowed

CRM(DB) No. 472 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bansdroni Police Station Case No. 96 of 2017 dated 25.09.2017 under Sections 302/34 of the Indian Penal Code.

And
In Re : Rajesh Molla petitioner

Mr. Abhra Mukherjee
Mr. Siddhartha Narayan Bhattacharya
Mr. Suvradeep Dutta
Mr. Swakshar Kumar Mondal
....for the petitioner

Ms. Zareen N. Khan
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for six years and three months. There is no direct evidence connecting him with the crime. He prays for bail.

2. Learned Counsel for the State submits incriminating circumstances implicate the petitioner in the murder. Fourteen out of twenty nine witnesses have been examined.

3. We have considered the materials on record. Case is based on circumstantial evidence. Vital witnesses have already been examined. Prosecution proposes to examine another fifteen witnesses. Possibility of trial concluding in the near future is bleak. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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, Alipore, South 24 Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)