

19.02.2024.
61.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 493 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chittaranjan P.S. Case No.22 of 2020 dated 17.07.2020 under Sections 302/120B of the Indian Penal Code and Sections 25/27 of the Arms Act and charge sheet submitted under Sections 302/34/120B/201 of the Indian Penal Code and Section 27 of the Arms Act.

In the matter of : **Ranbijoy Singh @ Kangra.**

.... Petitioner.

Mr. Arkaprabho Roy,
Mr. Rhiddihiman Mukherjee.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Nirupam Dhali.

...for the State.

Mr. Avik Ghatak,
Mr. Saibal Dasgupta.

...for the de-facto complainant.

1. Petitioner is in custody for more than three years. He submits most of the vital prosecution witnesses have turned hostile and the incriminating circumstances have not been proved. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

3. Learned Advocate for the de-facto complainant submits other witnesses are yet to be examined.

4. We have considered the materials on record. Prosecution has relied on a number of circumstances as follows:-

a) Petitioner and others had met at a hotel to plan the murder;

b) They were seen fleeing on the petitioner's motorcycle from the spot and

c) Personal documents of the deceased were recovered from him.

5. With regard to first circumstance, we note PWs 18 and 19 had turned hostile and did not support the prosecution case.

6. Prosecution relied on PWs 4 and 5 to prove the second circumstance which also remained futile as they did not support the prosecution case.

7. Even the constable (PW 8) has not supported the prosecution case of recovery of personal papers of the deceased from the petitioner.

8. In view of scanty evidence on record, we are of the opinion further detention of the petitioner is unwarranted. He may be released on bail.

9. Accordingly, the petitioner viz., **Ranbijoy Singh @ Kangra** 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, Paschim Bardhaman, Asansol 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.

10. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)