

20.02.2024
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allowed

CRM (DB) No. 505 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 539 of 2022 dated 07.10.2022 under Sections 302/201/34 of the Indian Penal Code.

And
In Re : Sarwan Ray petitioner

Mr. Sanjib Mitra
....for the petitioner

Ms. Rituparna De Ghosh
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than a year. It is also submitted there is no direct evidence implicating him with the murder. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits there was a love triangle between the petitioner, victim and a lady. That lady stated she come to know through a telephonic conversation that the victim was with the petitioner prior to the incident. On the leading statement of the petitioner weapon of offence was recovered.

3. We have considered the materials on record. Case is based on circumstantial evidence. Most vital witness is the lady who claimed that she had heard during telephonic conversation between her and the victim that the latter was with the petitioner prior to the incident. No CDR is placed before us to corroborate this fact. With regard to recovery of weapon of offence no forensic

report with regard to presence of human blood is also available. Whether circumstances relied by the prosecution can be said to be reliable and if proved would unerringly point to the guilt of the petitioner may be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence. 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 Additional Sessions Judge, Fast Track Court, Chandannagore, Hooghly, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)