

23.02.2024.
48.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 556 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No.240 of 2023 dated 09.05.2023 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : **Rahidul Sk. @ Rahidul Sekh @ Rohidul Sk.**

.... Petitioner.

Mr. Kalidas Saha.

...for the Petitioner.

Mr. Abhra Mukherjee,
Mr. S. Kundu.

...for the State.

1. Petitioner contends victim had been murdered by unknown persons. He has been falsely implicated. He is in custody for 138 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. There is no direct evidence connecting the petitioner with the murder. His complicity has transpired on the basis of an extra judicial confession made by co-accused viz., Rumela Bibi before villagers. Confession of a co-accused is not substantive evidence against another. There is no other clinching evidence implicating the petitioner in the murder.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Rahidul Sk. @ Rahidul Sekh @ Rohidul 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, Malda 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.)