

23.02.2024.
46.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 554 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P.S. Case No.545 of 2022 dated 03.09.2022 under Sections 302/201 of the Indian Penal Code.

In the matter of : **Hasibul Hoque.**

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Sudip Ghosh,
Ms. Puspita Saha.

...for the State.

1. Petitioner is in custody for one year and five months. It is submitted vital witnesses have not supported the prosecution case. Only official witnesses are to be examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. She contends some of the witnesses deposed petitioner and victim were seen together before the incident.
3. We have considered the materials on record. Case is based on circumstantial evidence. Appreciation of evidence of the witnesses with regard to most vital circumstance i.e. last seen together requires to be assessed during trial. Vulnerable witnesses have already been examined.
4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Hasibul Hoque** 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, Berhampore, Murshidabad 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.)