

06.03.2024
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allowed

CRM(DB) No. 731 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 399 of 2023 dated 11.11.2023 under Sections 302/201/34 of the Indian Penal Code and charge-sheet submitted under Sections 302/201/109/120B of the Indian Penal Code.

And

In Re : Manas Roy @ Manosh Roy petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Laboni Sikder

....for the petitioner

Mr. Sanjoy Bardhan
Sk. Arif Hossain

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 117 days. It is also submitted there is no direct evidence connecting him with the crime. Co-accused has been enlarged on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner is the principal accused. On his leading statement offending weapon and mobile phone of the petitioner and co-accused were recovered.

3. We have considered the materials on record. Co-accused, Puja Roy is on bail. No forensic report with regard to the weapon of offence is placed on record. Mobile phones recovered from the petitioner *per se* is not an incriminating circumstance.

In view of the aforesaid facts, we are of the opinion whether the circumstances relied by the prosecution would form a complete chain establishing petitioner's guilt may be assessed during trial. There is no chance of abscondence. Accordingly, 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 Chief Judicial Magistrate, Arambagh, 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.)