

18.04.2024
tkm/ct 28
sl no. 55

C.R.M. (DB) 1176 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal P.S case no. 1587 of 2023 dated 4.12.2023 under sections 302/201 IPC
and

Allowed

In Re : Mojibur Rahaman @ Mojibur

..... petitioner

Mr. Kallol Mondal
Mr. Krishan Roy

..... for the petitioner

Mr. R D Nandy
Mr. Raju Mondal

..... for the State

1. Petitioner is in custody for 136 days. He contends there is no direct evidence connecting him with the murder. Post mortem report does not disclose the cause of death. He prays for bail.
2. Learned lawyer for the State submits petitioner had illicit relationship with the victim. Victim's body was recovered near his residence. He was also seen with the victim.
3. We have considered the materials on record. Statement of witnesses show body of the victim was recovered near the pump house of the petitioner. Another witness stated victim had alighted near the place of occurrence from his Toto. He had seen the petitioner there. Be that as it may, dead body of the victim was recovered from the river after six days. Cause of death is unclear. Whether these circumstances would form a complete chain to establish the guilt of the petitioner requires to be assessed during trial.
4. Under such circumstances we are inclined to enlarge the petitioner on bail however, subject to strict conditions.

5. Accordingly, the petitioner 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 ACJM Chanchal Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the district of Malda and shall provide the address where he shall presently reside to the investigating agency as well as the trial court and shall report to the Officer-in-Charge of Chanchal police station once in a week until further orders.

6. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 1176 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)