

25.04.2024
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 1305 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.04.2024 in connection with Md. Bazar Police Station Case No.319 of 2023 dated 08.11.2023 under Sections 302/201 of the Indian Penal Code. (G.R. Case No.1495 of 2023)

And

In Re: ***Ranjit Roy & Anr.***

... .. Petitioners

Mr. Sujoy Sarkar
Mr. Rahul Chachan

... .. for the petitioners

Mrs. Sonali Das
Mr. Nazmut Touhid

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about 169 days. It is further submitted there is no direct evidence connecting them with the murder. Co-accused has been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Prosecution case is primarily based on '*last seen*' theory. Whether the circumstances relied against the petitioners would unerringly point to their guilt require to be assessed during trial. Co-accused has been enlarged on bail. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Ranjit Roy & (2) Sushil Roy***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Suri, Birbhum subject to condition that the

said petitioners 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.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)