

05.08.2024
Sl. No.52
akd
[ALLOWED]

C. R. M. (DB) 2283 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 15.07.2024 in connection with Bhadreswar Police Station Case No.496 of 2022 dated 14.09.2022 under Sections 325/304 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No.1508 of 2022)

And

In Re: ***Shiv Kumar Harijan @ Shib Kumar Harijan*** Petitioner

Mr. Bitasok Banerjee
Mr. Abdus Salam
... .. for the petitioner

Mrs. Sonali Das
Mr. Raju Mondal
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and eleven months. It is further submitted there is no direct evidence connecting the petitioner with the murder. Trial has not commenced. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was last seen with the victim. Incriminating articles have been recovered.
3. We have considered the materials on record. There is no direct evidence connecting the petitioner with the murder. Case is based on circumstantial evidence. Though bail prayer of the petitioner was rejected earlier, there is no progress in the matter since then. Charge has not yet been framed. Under such circumstances, we are of the opinion petitioner has made out a case for grant of bail on the ground of delay in trial.
4. Therefore, the accused/petitioner, namely ***Shiv Kumar Harijan @ Shib Kumar Harijan***, be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)