

08.08.2024
tkm/ct 6
sl no. 28

C.R.M. (DB) 2501 of 2024

In Re : An application for bail under section 439 Cr.P.C (section 483 of Bharatia Nagarik Suraksha Sanhita, 2023) in connection with Kandi P.S case no. 80 of 2024 dated 3.2.2024 under sections 302/201/34 IPC

And

In Re : Md. Efrajul Sk @ Deba @ Efrajul Sk @ Deba
..... petitioner

Ms. M Gomes
Md. Hafiz Ali

..... for the petitioner

Mr. Bitasok Banerjee
Mr. Arup Sarkar

..... for the State

1. Petitioner is in custody for six months. He submits there is no direct evidence connecting him with the murder. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer and submits petitioner was last seen with the victim.
3. We have considered the materials on record. We have also considered the statement of one Safikul Sk who does not name the petitioner as the person last seen with the victim. Statement of the father of the victim with regard to last seen theory is hearsay in nature. Other witnesses who claim to have seen the petitioner with the victim are hotel owners. Credibility of their identification of the victim girl is suspect as they were shown the picture of the victim during investigation.
4. Keeping in mind the aforesaid nature of evidence collected against the petitioner, we are inclined to grant bail to the petitioner.

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 Kandi Mujrshidabad 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.
6. 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.
7. The application being CRM (DB) 2501 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)