

13.09.2024
Sr. No. 40
Ct. No. 6.
AB
**(Partly
Allowed)**

C.R.M. (DB) 2814 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nandakumar Police Station Case No.290 of 2024 Dated 30.04.2024 under Sections 302/201/120B of the Indian Penal Code

In the matter of : **Sk. Alamgir Badsha & Anr.**

....Petitioners.

Mr. Imtiaz Ahmed,
Ms. Ghazala Firdaus,
Mr. Mofakkerul Islam,
Mr. Sk. Saidullah,
Mr. Debopam Roy,
Mr. Mithun Mondal,
Md. Arsalan

.....For the Petitioners.

Ms. Faria Hossain
Ms. Rajashree Tah

.....For the State.

1. Heard learned Advocates for the parties.
2. Petitioners submit there is no direct evidence connecting them with the murder. Co-accused, Sk. Moslem Ali, has been enlarged on bail.
3. Learned lawyer for the State submits petitioners had an illicit relationship. As the victim, son of petitioner no.2, opposed, they murdered him. Sk. Moslem, grandfather of the victim, did not have motive to commit the crime.
4. We have considered the materials on record. The case is based on circumstantial evidence. Petitioner no.1, uncle of the boy, had an illicit relationship with his mother, that is petitioner no.2. Keeping in mind the aforesaid

fact, it appears that petitioner no.1 has strong motive to commit the crime. Accordingly, we are not inclined to enlarge him on bail.

5. Prayer for bail of petitioner no.1, namely, **Sk. Alamgir Badsha** stands rejected.
6. However, petitioner no.2 is a lady. Apart from CDRs showing conversation with petitioner no.1, there is no incriminating material implicating her in the murder. There is no chance of her abscondance. Hence, we are inclined to allow her prayer for bail.
7. Accordingly, the petitioner no.2, namely, **Mustari Begum**, 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 Chief Judicial Magistrate, Purba Medinipur, subject to condition that she 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 or commit similar offences in future.
8. In the event petitioner no.2 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
9. This application for bail is, thus, partly allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

