

12.09.2024
Ct. No. 06
SL No. 107
S.De

C.R.M. (DB) 2982 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 in connection with **Domjur P.S. Case No. 26 of 2024 dated 14.01.2024** under **Sections 302/201** of the Indian Penal Code.

And

In the matter of: **Rupam Mondal**.

Mr. Pawan Kumar Gupta,
Mr. Abhishek Agarwal,
Mr. Amir Ali,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Mr. Sankha Subhra Chaky, ...for the Petitioner.

Mr. Antarikhya Basu,
Mr. Nahid Ahmed,for the State.

1. Petitioner submits there is no direct evidence connecting him with the murder. Circumstantial evidence collected is also sketchy. Accordingly, he prays for bail.
2. Learned lawyer for the State submits on the leading statement of the petitioner wooden handles of a spade were recovered from a land owned by a co-accused.
3. We have considered the materials on record. The case is based on circumstantial evidence. Recovery of alleged weapon of offence is not supported by forensic report confirming presence of human blood on the handles of the spade. Credibility of aforesaid incriminating circumstance has to be assessed during trial.
4. Under such circumstances we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct the petitioner viz. **Rupam Mondal** 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, Howrah subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)