

05.11.2024
Sl. No.70
SG
[ALLOWED]

C. R. M. (DB) 3038 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2024 in connection with Nowda Police Station Case No. 30 of 2023 dated 22.01.2023 under Sections 302/201 of the Indian Penal Code.

And

In Re: ***Jafar Hossain Sk. @ Jafur Hossain Sk. @ Jafur Hosen Sekh***

... .. Petitioner

Mr. Sujoy Sarkar
Mr. Rahul Chachan
Ms. Sneha Srivastava

... .. for the petitioner

Mr. Madhusudhan Sur
Mr. Mir Anuruzzaman

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for one year and three months. He further submits there is no direct evidence connecting him with the crime. He renews his bail prayer.
2. Learned Advocate for the State submits bail prayer of the petitioner was rejected earlier on merits. 16 witnesses have been examined.
3. We have considered the materials on record. Case is based on circumstantial evidence. Witnesses have not identified the petitioner on dock. He is in custody for a considerable period of time. There is no possibility of trial concluding in the near future. Under such circumstances, we are inclined to enlarge the petitioner on bail.
4. Therefore, the accused/petitioner, namely ***Jafar Hossain Sk. @ Jafur***, 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 Chief Judicial Magistrate, Berhampore, Murshidabad 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.)