

13.11.2024
tkm/ct 28
sl no. 57

C.R.M. (DB) 3148 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Daulatabad P.S case no. 141 of 2024 dated 11.5.2024 under section 302 IPC

And

Allowed

In Re : Mithu @ Manuwar Sarkar @ Manuar Hassain

... petitioner

Md. Sabir Ahmed
Mr. S Sarkar
Mr. D Banerjee

..... for the petitioner

Mr. Debasish Roy, Id PP
Md. Arijit Ganguly
Mr. Kaushik Kundu

..... for the State

1. Petitioner is in custody for 185 days. Principal witness who claims to be present with the victim prior to the incident did not identify him in TI parade examination. He prays for bail.
2. Learned Public Prosecutor contends one Esmina Khatun, a witness had named the petitioner as the person who had murdered his sister. On his leading statement, weapon and blood stained wearing apparels of the deceased were recovered.
3. We have considered the materials on record. Esmina Khatun claimed she is a friend of the deceased. She was present at the spot and claims one person named Mithu Sarkar had committed the murder. However, she was unable to identify the petitioner as the accused during TI parade examination. This dichotomy requires to be thrashed out in course of trial. The other incriminating circumstance regarding recovery of blood stained wearing apparels also needs to be verified in the backdrop of forensic reports, if any, during trial. There is no chance of abscondence.

4. Under such circumstances 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 CJM Murshidabad 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) 3148 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)