

CRM (DB) 3173 of 2024

In the matter of : 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 Rajapur P.S. Case No. 29 of 2024 dated 29.01.2024 under sections 302/201/120B of the Indian Penal Code.

And

In the matter of : Uruch Molya @ Uruch Molla

Mr. Mrityunjoy Chatterjee
Ms. D. Majumder
Mr. A. Sarkar
Mr. A. Poali

... ... for the petitioner

Mr. Debasish Roy, PP
Mr. Bidyut Kr. Roy
Mr. N. Dhali

... ... for the State

1.

Petitioner is in custody for 270 days. He submits the co-accused had taken his vehicle on hire and he had no knowledge of commission of the crime. He has been falsely implicated. He prays for bail.
2.

Learned Public Prosecutor with Mr. Roy opposes the bail prayer. They contend CCTV footage shows the vehicle was used for murder and disposal of the dead body.
3.

We have considered the materials on record. CCTV footage and other materials prima facie show the vehicle of the petitioner was used to commit the crime. Whether petitioner had requisite knowledge with regard to the offence is unclear and requires to be established during trial.
4.

Keeping in mind the extent of complicity of the petitioner and as investigation is complete and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Uluberia, Howrah subject to the condition that the 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.
6. In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.
7. The application for bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)