

14.11.2024
Sl. No.88
akd
[ALLOWED]

C. R. M. (DB) 3728 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 04.10.2024 in connection with English Bazar Police Station Case No.69 of 2024 dated 12.01.2024 under Sections 302/201 of the Indian Penal Code. (G.R. Case No.279 of 2024)

And

In Re: ***Taj Ali @ Raju Ali @ Tuku Ali***

... .. Petitioner

Mr. Sagar Saha
Ms. Ankita Bose

... .. for the petitioner

Mr. Joydeep Roy .. Ld. Jr. Govt. Advocate
Ms. Suveni Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about ten months. It is further submitted there is no direct evidence connecting him with the murder. Mother of the deceased (PW 1) stated she did not suspect petitioner has committed the murder. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits one of the witnesses stated petitioner had called the victim. On the showing of the petitioner, a knife was recovered.
3. We have considered the materials on record. Mother of the victim (PW 1) is silent with regard to any enmity between the victim and the petitioner. This explodes the prosecution case with regard to prior enmity as claimed by other witnesses. Reliability of the version of another witness who claims petitioner stated that he received a call from the accused requires to be assessed in course of trial. No forensic report with regard to seized weapon is placed on record. In view of the aforesaid lacunae in the case which is based on circumstantial

evidence, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Taj Ali @ Raju Ali @ Tuku Ali***, 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, Malda 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.)