

25 04.06.2019
pk/ss Allowed

C.R.M. 4615 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 30.05.2019 in connection with Haldibari P.S. Case No. 214 of 2018 dated 22.12.2018 under sections 363/365/376 of the Indian Penal Code.

And

In the matter of : Hamidul Haque

... .. petitioner

Ms. Jeenia Rudra

... .. for the petitioner

Mr. Pratick Bose

... .. for the State

Liberty to correct the cause-title of the petitioner.

The petitioner submits that he is in custody for about 162 days and investigation is complete. He further submits that he is innocent and has no nexus with the alleged offence.

Learned counsel appearing for the State produces the case diary and refers to the statement of the victim recorded under section 164 of the Code.

Considering the materials available in the case diary, the period of detention of the petitioner as well as the fact that investigation is complete, we are of the view that further detention of the petitioner is not required.

Accordingly, the prayer for bail of the petitioner is considered and allowed.

Let 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 Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar subject to the condition that he shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he 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.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)