

04.09.2020
SL No. 3
sdas

CRM 6266 of 2020
With
CRAN 1 of 2020(old no. CRAN 4779 of 2020)
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No. 163 of 2018 dated 04.05.2018 under Sections 341/325/326/307/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

And

In Re : Henera Bibi & Anr. petitioners

Mr. Anisur Rahman

.....for the petitioners

Mr. Madhusudan Sur, learned A.P.P.

Mr. Aniket Mitra

....for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, application being CRAN 1 of 2020 (old no. CRAN 4779 of 2020) is disposed of.

Petitioners are in custody for over 500 days and they renew their prayer for bail.

Learned Counsel appearing for the petitioners submits that they are not the principal assailants.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioners abetted the murder of the victim and trial is in progress.

We have considered the materials on record. The statement of witnesses show that the petitioners are not the principal

assailants. They are in custody for a considerable period of time and there is little possibility of the trial concluding in the near future. In view of the aforesaid facts, we are inclined in granting bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad, subject to the condition that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Learned appropriate trial court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)