

03 22.09.2020  
rkd Ct. no.12  
(Allowed)

**C.R.M. 6531 of 2020**  
**(IA NO:CRAN 1 of 2020)**  
**(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nandakumar** P.S. Case No. **355 of 2015** dated **27/07/2015** under Sections **302** of the Indian Penal Code.

And

In the matter of: Sk. Saiful Ali

....petitioner.

Mr. Sk Sahjahan Ali

...for the petitioner.

Mr. R. R. Chowdhury,  
Mr. M. Gupta

...for the State.

Petitioner undertakes 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 conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Petitioner was enlarged on bail. Due to miscommunication between himself and his lawyer, he was unable to appear before the court. He has been rearrested and is in custody for over 90 days.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that petitioner misused his liberty.

We have considered the materials on record in the light of the submission that non-appearance was unintentional. Keeping in mind the facts and circumstances, we are inclined to grant bail to the petitioner, subject to the strict conditions.

Accordingly, the petitioner is directed to 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, 3<sup>rd</sup> Court at Tamruk, Purba Medinipur subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall remain within the jurisdiction of Nandakumar P.S. except for attending the court proceedings and shall report to the Officer-in-charge of said Police Station once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

**(Kausik Chanda, J.)**

**(Joymalya Bagchi, J.)**