

21-10-2020
k.b/b.r
Sl. No.08
Bail allowed
Crt. No.12

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 6901 of 2020

Jainal Miah & Ors.

-vs-

The State of West Bengal

IA No. CRAN 1 of 2020

(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Sitalkuchi P.S. Case No. 51 of 2020 dated April 10, 2020 under Sections 341/324/325/307/34 (added Section 302) of the IPC, 1860 and subsequently charge sheet has been submitted on July 7, 2020 under Sections 341/302/324/325/307/34 of the IPC, 1860.

Mr. Sabir Ahamed

Mr. S. Sarkar

Mr. Mujibar Ali Naskar

Mr. A.S. Adak

...for the petitioners.

The advocate-on-record for the petitioners undertake to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

The petitioners are represented by their learned Counsel.

However, the State-Prosecutor is not represented from Jalpaiguri Circuit Bench.

Although by order dated 5th October, 2020 it was specifically directed to the learned Prosecutor to produce Case Diary on the next date of hearing.

Therefore, we have no other alternative to proceed on the basis of the record available to us and submission made by the learned advocate for the petitioners.

It is found from the submission made by the learned advocate for the petitioners that co-accused was released on anticipatory bail vide order dated 19th October, 2020.

The present petitioners are in custody for pretty long time. On perusal of the statement made by the witnesses in connection with this

case it appears that a free fighting took place on the date and time of the occurrence between two groups of families causing injury upon the persons of the members of both the families including the petitioners. As a result of such injury one of the injured had succumbed to death.

However, considering the materials placed before us specially memo of evidence and in view of the fact that the co-accused was already on anticipatory bail, we are inclined to release the petitioner on bail.

The petitioners, namely, petitioner No.1 Jainal Miah, petitioner No.2 Jahangir Miah and petitioner No.3 Jhanu Miah may find bail bond of Rs.20,000/- (Rs. Twenty thousand only) with two sureties of like amount subject to the satisfaction of the Additional Chief Judicial Magistrate, Mathabhanga with further condition that if on bail they must attend the trial on all the dates of hearing failing which the order of bail passed by us shall be treated as cancelled without further reference to this Bench.

Accordingly, the application for bail, being CRM No. 6901 of 2020 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

[Bibek Chaudhuri, J.]

[Subrata Talukdar, J.]

