

20.10.2020
item No. 13
Sdas
allowed

CRM 6918 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No. 379 of 2020 dated 14.07.2020 under Section 302 of the Indian Penal Code and subsequently added Section 109/120B of the Indian Penal Code.

And

In Re : Rajendra Saha @ Somu petitioner

Mr. Partha Ghosh
Mr. Sagar Saha

.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

....for the State

Learned Counsel appearing for the petitioner submits that the petitioner is not the principal accused. He is in custody for 84 days.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioner had instigated the principal accused to commit the crime.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and in view of the period of detention suffered by the petitioner i.e. 84 days and as investigation is complete, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Bongaon, North 24

Parganas, subject to the condition that the petitioner 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 petitioner fails to appear before the trial court 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, accordingly, allowed.

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)