

18.11.2020  
12 DL  
Sws M/G.S.Das  
Ct. No.11

**CRM 7939 of 2020**

**(Via Video Conference)**

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bamangola Police Station Case No. 97 of 2020 dated 10.5.2020, corresponding to Session's Case No.-119/2020 started under Sections 363/365/307 of Indian Penal Code, subsequently chargesheet submitted against petitioner under Sections 363/365/307/302 of the Indian Penal Code.

And

In the matter of : **Uttam Sahani**

..... Petitioner

Mr. Mounick Ghosh

.... for the Petitioner

Mr. Ranabir Roy Choudhury  
Mr. Sandip Chakraborty

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioner submits that the petitioner is in custody for a period of time and charge has already been submitted.

Learned Advocate for the State further submits that the present petitioner has been implicated on the basis of grudge of certain villagers and there was no sign of eye-witness who have seen the incident.

Mr. Chowdhury, Learned Advocate for the State, opposes the prayer for bail and submits that although there was no eye-witness but the statement of the different witnesses reflect that there was a previous

grudge which resulted in the offence being committed at the instance of the present petitioner.

To that extent, Mr. Chowdhury relies upon the statement of one Tarun Sardar.

We have perused the case diary and the statement of the witnesses as relied upon by the Learned Advocate for the State and on appreciation of the same, we are of the opinion that the same is extra-judicial confession, the eventary value of which is too weak to be relied upon at the end of the trial to arrive at a conclusion of guilt.

Having considered the complicity of the present petitioner and the merits of the evidence so collected by the investigating agency, we are of the opinion that the petitioner may be released on bail at this stage.

Accordingly the prayer for bail is **allowed**.

Accordingly, we direct, that the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- (rupees five thousand) each to the satisfaction of the Chief Judicial Magistrate, Malda on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses and on further condition that the petitioner shall meet the Officer-in-Charge of Bamangola P.S. once in a fortnight until further orders.

With these observations, CRM 7939 of 2020 is disposed of.

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

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Tirthankar Ghosh, J.)**

**(Subrata Talukdar, J.)**

