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**C.R.M. 8238 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hogolbaria P. S. Case No.04 of 2018 dated 29.01.2018 under Sections 302/34 of the Indian Penal Code.

In the matter of : Uttam Sarkar & Anr.

.... Petitioners.

Mr. Amanul Islam.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahato.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners renew their prayer for bail. They are in custody for over two years.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioners were last seen with the victim before the incident and mobile phone of the victim was recovered on the leading statement of the petitioners.

We have considered the materials on record. Case is based on circumstantial evidence. Notwithstanding protracted period of detention there is hardly any progress in the matter since the last rejection of bail by this Court. Hence, we are inclined to grant bail to the petitioners.

Accordingly, 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 Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any 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, being C.R.M.8238 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.

(Md. Nizamuddin,J.)

(Joymalya Bagchi, J.)