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CRM 9044 of 2020

(Via Video Conference)

In the matter of an application for **bail** under Section **439** of the Code of Criminal Procedure, **1973** in connection with Khargram Police Station Case No.314 of 2018 dated 05.12.2018 under Sections 341/323/325/326/308/34 and added Section 302 of of the Indian Penal Code arising out of G.R. Case No.1349(A)/18.

And

In Re : **Alim Sk @ Abdul Alim & Ors**
...for the petitioners

Mr. Kallol Mondal
Mr. Dip Jyoti Chakraborty
Mr. Barnamoy Basak
...for petitioners

Mr. Navanil De
Mr. Ritam Ghosh
...for defacto complainant

Ms. Faria Hossain
Ms. Baisali Basu
...for State

Mr. Kallol Mondal, learned advocate appears on behalf of petitioners, who have applied for bail in connection with Khargram Police Station Case no.314 of 2018 dated 05.12.2018 under sections 341/323/325/326/308/34 and added section 302

of Indian Penal Code arising out of G.R. Case no.1349(A)/18. He submits, charge sheet has been filed and trial is in progress. His clients were working in Kerala. They came and surrendered on 3rd October, 2020 and were taken into custody. He emphasizes that any condition be imposed for enlarging his clients on bail. They shall not leave the prescribed limits even if it prevents them from joining work in Kerala.

Mr. Navanil De, learned advocate appears on behalf of defacto complainant and submits, petitioners' prayer for bail should not be considered. They have exhibited conduct of absconsion and obstructed the trial thereby. Ms. Faria Hossain, learned advocate appears on behalf of State and opposes the application. She, however, confirms charge sheet has been filed and trial is in progress.

It appears from order dated 3rd December, 2019 passed by a Co-ordinate Bench in **CRM 11142 of 2019 (Kolimuddin Sk & Anr.)** that there was an altercation, which resulted in death of one person. Petitioners are co-accused regarding that incident. Others have been granted bail.

Opposing learned advocates submit, they do not have information regarding further investigation undertaken upon arrest of petitioners.

In the circumstances aforesaid, we are inclined to grant bail.

Let petitioners 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, Kandi, Murshidabad subject to the condition that during bail petitioners shall appear before the learned trial Court regularly till disposal of the trial and petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions, it will be open to the trial Court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Arindam Sinha, J.)

(Md. Nizamuddin, J.)

