

24.11.2020
SL No.37
Court No.12
(gc)
(bail allowed)

CRM 9133 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Duttapukur P.S. Case No.01/2020** dated **01.01.2020** under Sections 436/302/34 of the Indian Penal Code.

And

In the matter of: **Joydeb Sarkar allies Joydeb Sardar & Anr.**

....Petitioners.

Mr. Nilanjan Adhikari,

...for the Petitioners.

Mr. Nguive Ahmed, Ld. A.P.P.,

Ms. Amita Gaur,

Ms. Manisha Sharma,

...for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned Counsel for the petitioners submits that the petitioners are in custody for 323 days. It is also submitted that the petitioners are innocent and they have been falsely implicated in this case.

The learned Counsel for the State, however, opposes the prayer for bail and submits that the name of the petitioners emerged during investigation and from the statements of the independent witnesses recorded under Section 161 of the Cr.P.C.

Considering the materials available with the Case Diary and the omnibus nature of the allegations made against the petitioners, we are of the opinion that further detention of the petitioners is not required. Moreover, the charge-sheet has

already been filed. We further observe that the nature and extent of the involvement of the petitioner in the commission of the alleged offence is a matter to be assessed at the time of trial.

Accordingly, We are inclined to grant bail to the petitioners subject to certain stringent conditions. We direct that 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 District and Sessions Judge in-charge, North 24 Parganas on condition that the petitioners shall stay outside the jurisdiction of Duttapukur Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the court proceeding and shall meet the Investigating Officer once a week until further order and shall disclose their present addresses to the Investigating Officer and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure and the petitioners shall appear before the learned trial court on every date till the conclusion of trial. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

In the event the petitioners fail to comply with any of the conditions mentioned hereinbefore, it would be open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the application for bail being CRM 9133 of 2020 is allowed and disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)