

02.12.2020
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allowed

**CRM 9456 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belghoria Police Station Case No. 247 of 2019 dated 15.04.2019 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act vide charge-sheet no. 297 of 2019 dated 30.06.2019 under Sections 302/201/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Asif Ali & Anr. petitioners

Mr. Koustav Bagchi
.....for the petitioners

Mr. Rana Mukherjee, learned A.P.P.
Mrs. Sujata Das
....for the State

Petitioners are in custody for 597 days.

It is submitted by the learned Counsel appearing for the petitioners that they tried to save the victim. On the contrary, they had been implicated in the murder of the victim.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioners were with the victim at the time of commission of offence.

We have considered the materials on record. Statements of the witnesses disclose that the petitioners had taken the victim to the hospital where he expired. Such conduct of the petitioners is to be assessed in the backdrop of the factual matrix of the case particularly with regard to their intention to kill the victim.

In view of the aforesaid facts and the period of detention already suffered i.e. 597 days, we are inclined in granting bail to the petitioners.

Accordingly, 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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas, subject to the condition that petitioners 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 petitioners fail to appear before the trial court without 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 for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)