

07.12.2020  
16  
Sdas  
allowed

**CRM 9917 of 2020  
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 239 of 2018 dated 05.05.2018 under Sections 341/326/308/304 of the Indian Penal Code.

And

In Re : Samiul Hoque @ Mithun ..... petitioner

Mr. Mrityunjoy Chatterjee

Mr. Imdadul Hoque

.....for the petitioner

Mr. N. Ahmed, learned A.P.P.

..... for the State

Petitioner is in custody for more than 940 days.

Learned Counsel appearing for the petitioner submits that there is little possibility of the trial concluding in the near future. It is also submitted that victim died after a couple of days of the incident.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submissions made on behalf of the petitioner and the protracted period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the condition that the petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**