

10.12.2020
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Sdas
allowed

**CRM 10208 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 634 of 2020 dated 03.08.2020 under Section 302 of the Indian Penal Code.

And

In Re : Mirja Safiul @ Rinku @ Mirja Safiul petitioner

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.

.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Liberty is given to the learned Counsel appearing for the petitioner to correct the cause title.

Learned Counsel appearing for the petitioner submits that they are brothers and there was prior enmity over loan transaction between them. The petitioner has been falsely implicated in the instant case. He is in custody for 127 days.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner and the deceased were seen quarreling prior to the incident. Weapons of offence were also seized from the place of occurrence.

We have examined the statements of the witnesses. Voluntariness of the extra-judicial confession of the petitioner before local people is to be assessed at the appropriate stage of the proceeding. No forensic report with regard to the weapon of offence is placed on record. In view of protracted period of detention

suffered by the petitioner and as investigation is complete, 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 Chief Judicial Magistrate, 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.)