

11.12.2020
Court No.28
SL No.21
AP

CRM 10233 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mogra** P.S. Case No.**337/2016** dated **26.10.2016** under Section **302** of the Indian Penal Code and Sections **25/27** of the Arms Act.

And

In the matter of: **Rajib Saha @ Raju**

....Petitioner.

Mr. S.G. Chowdhury

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

...for the State.

It is submitted on behalf of the petitioner that vital witnesses have turned hostile.

Learned lawyer for the State opposes the prayer for bail and submits that the trial is at its fag end and refers to the witness of Sujata Samaddar, PW 7, wife of the deceased.

We have considered the materials on record. Vital witnesses have turned hostile. Although, PW 7 deposed with regard to the telephonic conversation between her and the deceased, there is no corroboration of such fact by other witnesses. In view of the aforesaid facts and keeping in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Let the petitioner be released on bail upon furnishing a Bond of Rs.10,000/-(Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Hooghly subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)