

06.01.2021

Item no. 9

Ct.5

CHC

Allowed

C.R.M. No.27 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Farakka Police Station Case No. 312 of 2020 dated 02.11.2020 under Sections 341/304/34 of the Indian Penal Code.

And

In the matter of:-

Azad Ali & anr.

... Petitioners

Mr. Sandip Chakraborty

.. for the petitioners

Mr. Binoy Kumar Panda,
Ms. Puspita Saha

..for the State

This is to consider the prayer for bail.

Learned advocate, Mr. Sandip Chakraborty proposes for granting bail to petitioner submitting that the petitioner has been falsely implicated in this case.

It is submitted that accused is in custody for last 55 days.

Learned Additional Public Prosecutor, Mr. Panda referring the statement of witnesses recorded under Section 161 Cr.P.C. shown in pages 6, 7 and 8 together with Post Mortem Report raises strong objection against the prayer for bail.

Deceased victim suffered death alleging him to be a thief. Victim was thus beaten to death, in connection with which petitioners were brought arrested on complicity ground.

Our attention is drawn to the Post Mortem Report and other materials already collected in the C.D.

Having considered the materials already collected in the C.D. in context with the submissions of both sides, and bearing in mind the extent of complicity, we are persuaded to grant bail to the petitioner.

Accordingly, petitioners (Azad Ali and Md. Salauddin @ Roni) may find bail of Rs.10,000/-(Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad with condition to meet the I.O. (Investigating Officer) once in a fortnight until further order.

C.D. be returned.

With these observations, **CRM 27 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)

