

29.01.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Kulti** Police Station **Case No.189 of**
Sl.38 **2020** dated **17.06.2020** under Sections **302/120B** of the Indian Penal
Ct.28 Code;

And

In re: Rahul Kumar Singh

... petitioner.

Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. Amit Ranjan Pati

... for the petitioner.

Mr. Neguive Ahmed
Ms. Trina Mitra

...for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for 226 (two hundred twenty-six) days and the case is based on circumstantial evidence and the petitioner has been falsely implicated simply on the basis of suspicion. There has been recovery of Hamal Dista Kutni pursuant to the leading statement of the present petitioner. Having regard to the period of detention, the learned advocate prays for bail on any stringent condition. Learned advocate further submits that Rahul Kumar Singh, the petitioner herein has been wrongly described as Rahul Ram.

Mr. Ahmed, learned advocate for the State opposes the petitioner's prayer for bail and submits that there are witnesses who have named the petitioner but each of the statements narrate the complicity of the petitioner in a manner of suspicion. He also submits that the opinion of the fingerprint expert is awaited.

We have taken into consideration the period of detention of the petitioner and that the fact that another accused person is on bail. Having regard to the quality of the evidence collected by the investigating agency so far as the present petitioner is concerned, we are of the opinion that further detention of the petitioner is not required. As such, the petitioner may be released on bail.

Accordingly, the petitioner, namely, **Rahul Kumar Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, **Paschim Bardhaman** and on further condition that the petitioner shall not enter into the jurisdiction

of **Kulti** Police Station and shall intimate his address to the officer-in-charge of the concerned Police Station where he will be residing while on bail.

In view of the dispute regarding the name, the learned Chief Judicial Magistrate will be checking the identification on the basis of the documents produced by the petitioner before release on bail.

The application for bail being CRM No.225 of 2021, is, thus, allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)