

08.02.2021
Court No.28
Item No. 16
Krishnendu
Bail Granted

**CRM 278 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re: **Hazi Ketab Ali Sardar**

Petitioner

Mr. Milon Mukherjee

Mrs. Soma Chowdhury (Bandhu)

For the Petitioner

Mr. Madhusudan Sur, Id. A.P.P.

Mr. Dipankar Paramanick

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kaliachak Police Station Case No. 444 of 2013 dated 30.07.2013 under sections 302/120B/34 of the Indian Penal Code.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case. His name does not feature in the First Information Report. The principal accused, namely, Abdul Salam, has already been granted statutory bail. Upon completion of investigation, charge-sheet has also been filed and as such further detention of the petitioner, who is in custody for 435 days, is not necessary.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and draws our attention to the statements of the wife of the deceased and a neighbour, namely, Abul Kalam,

recorded under section 161 of the Code of Criminal Procedure and also the statements of one Setaur Rahaman and Md. Motiur Rahaman recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we direct that the petitioner, **Hazi Ketab Ali Sardar**, 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 and subject to a condition that the petitioner shall be present before the trial court on the dates fixed for hearing.

The petitioner shall not enter the jurisdiction of the district of Malda, save and except on the dates fixed for hearing before the learned trial court.

The petitioner shall meet the Officer-in-Charge of the concerned Police Station, where he would be residing, once in a week on and from 15th February, 2021 until further orders and shall intimate the address where he would be residing to the said Officer-in-Charge of the concerned Police Station.

It is also made clear that the petitioner shall not intimidate 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 reference to this court.

With the aforesaid observations, the application for bail, being CRM No. 278 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)