

20.01.2021

Item No.32

Ct.No.28

dc.

Allowed

C.R.M. 445 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Sk. Faridul @ Faridul Sk & Anr.**

... Petitioners.

Mr. S. M. Obaidullah,
Mr. Roni Chowdhury

... For the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioners in connection with S.T. Case No. 118/20 arising out of Uluberia P.S. Case No. 43 of 2020 dated 25.01.2020 under Sections 302/201/120B of the Indian Penal Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, *prima facie*, it appears that the extent of complicity of the petitioners herein is similar to that of one Sk. Suvan @ Sk Suban and one Kazi Nurujamman @ Lalu Kazi, who have already been granted bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge-sheet has also been filed and the petitioner no.1 is in custody for 314

days and the petitioner no.2 is in custody for 198 days. In the said conspectus, we are of the opinion that further detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners, namely **Sk. Faridul @ Faridul Sk** and **Sk. Mustafijul @ Lal @ Sk. Mostafijul** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia, Howrah and on further condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this Court.

The application for bail, being CRM 445 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)