

15.02.2021
Court No.28
rpan / 08

C.R.M.462 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No.365 of 2019 dated 19.11.2019 under Sections 326/307/302/34 of the Indian Penal Code.

And

In Re : **Nijamuddin Sk @ Nijam Sk @ Nizamuddin Shaikh**
...Petitioner.

Mr. Tapodip Gupta
... for the petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta
... for the State.

Mr. Gupta, learned advocate appearing for the petitioner submits that the alleged incident occurred due to political rivalry. The petitioner has been falsely implicated and no overt act has been attributed to the petitioner. Upon conclusion of investigation, charge-sheet has also been filed. He further submits that three co-accused persons, namely, Saheb Sk., Haydar Sk. and Asraf Sk. @ Gharami @ Asraf Sk. Gharami have already been enlarged on bail by a co-ordinate Bench of this Court. The alleged extent of complicity of the petitioner is similar to the said co-accused persons and in the said conspectus, further detention of the petitioner, who is in custody for more than one year two months days, is not necessary.

Mr. Ghosh, learned advocate appearing on behalf of the State opposes the petitioner's prayer and draws our attention to the statements of injured witnesses, namely, Samim Biswas and of one Kuddus Sk. He further submits that the allegations against the petitioner are not in the abstract and there are

materials on record, which clearly indicate the involvement of the petitioner in the alleged offence.

We have perused the materials on record and we find that the extent of complicity of the petitioner is similar to the three co-accused persons, who have been already enlarged on bail by a co-ordinate Bench of this Court. Considering the petitioner's prayer in the light of the facts and circumstances of the case, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia and on a further condition that the petitioner shall attend the trial court on the date specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is also made clear that in the event the petitioner violates any of the conditions without any justifiable reasons, the learned Trial Court would be at liberty to cancel the petitioner's bail without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 462 of 2021, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)