

22.02.2021
Item no.40
Court No.28
Avijit Mitra

C.R.M.483 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Jalangi Police Station Case No.241 of 2020 dated 14.06.2020 under Sections 447/325/326/307/302/34 of the Indian Penal Code;
And

In Re : Naksed Sk. @ Mokshed Sk. & anr.

.... petitioners

Ms. Minoti Gomes,
Mr. Jisan Iqbal Hossain
....for the petitioners
Mr. Rana Mukherjee,
Ms. Sujata Das
..... for the State

Ms. Gomes, learned advocate appearing for the petitioners submits that the petitioners herein have been falsely implicated. There is no material disclosing the involvement of the petitioners in the alleged offence and no overt act has been attributed to them. Upon conclusion of investigation charge sheet has also been filed and as such further detention of the petitioners, who are in custody for more than 252 days, is not necessary.

Learned advocate appearing for the State opposes the prayer for bail and draws our attention to the statements made by the eye-witnesses and the injured persons.

We have perused the materials in the case diary, the injury report, the statements of the eye-witnesses and other injured persons. *Prima facie* no overt act has been attributed to

the petitioner no.1 herein and in view thereof, the prayer for bail of the petitioner no. 1 is allowed.

Accordingly, we direct that the petitioner no.1 namely, **Naksed Sk. alias Mokshed Sk.**, 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, Berhampore at Murshidabad and on further condition that the petitioner no.1 shall be present before the learned trial court on the dates specified for hearing.

The petitioner no.1 shall also reside outside the jurisdiction of Jalangi Police Station save and except on the dates fixed for hearing before the learned trial court and shall inform the address where he would be residing to the Officer-in-Charge of the Jalangi Police Station.

However, as there are materials on record disclosing the direct involvement of the petitioner no.2 in the alleged offence, we are not inclined to enlarge the said petitioner on bail, at this stage.

The application for bail being C.R.M. No.483 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)