

12.03.2021

Item No.10

Ct.No.28

dc.

Allowed

C.R.M. 643 of 2021

(Via Video Conference)

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

And

In Re : **Sk. Moinuddin @ Patal**

... Petitioner.

Ms. Manasi Roy

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Uluberia P.S. Case No. 43 of 2020 dated 25.01.2020 under Sections 363/365 of the Indian Penal Code and adding Sections 302/201/120B of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are omnibus in nature. Co-accused persons, similarly situated with the petitioner, have already been enlarged on bail. Upon completion of investigation, charge-sheet has also been filed and as such, further detention of the petitioner, who is in custody since 10th March, 2020, is not necessary. The learned advocate has also produced before this Court

the orders by which the other co-accused persons have been enlarged on bail. Let the same be kept on record.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the materials reflect the direct involvement of the petitioner herein in the alleged offence and he is not similarly situated with the other co-accused persons who have been enlarged on bail.

We have perused the materials in the case diary, the *post mortem* report, the seizure list as well as the orders passed granting bail to the other co-accused persons. *Prima facie*, it appears that the extent of complicity of the petitioner is similar to the said co-accused persons, namely, Sk. Hasibul Ali @ Sk. Hasibul @ Alo, Sk. Faridul @ Faridul Sk and Sk. Suvan @ Sk Suban. Furthermore, the case is based on circumstantial evidence and investigation has already been completed. In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner, namely **Sk. Moinuddin @ Patal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 a further condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the aforesaid conditions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being CRM 643 of 2021, is, thus, disposed of.

The case diary is returned to Mr. Nandy.

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.)