

10-03-2021
Subha
Item no.25
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 768 of 2021

Abdul Hoque

-vs-

The State of West Bengal
(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Harishchandrapur P.S. Case No.98 of 2020 dated 05-02-2020 under sections 341/326/307/302/324/34 IPC(G. R. Case No 290 of 2020).

Mrs. Sujata Das

...for the petitioner.

Mr. Swapan Banerjee, APP

Mr. Suman De

... for the State.

Leave is granted to the learned Advocate-on-record of the petitioner to amend the cause title.

Mrs. Das, learned advocate appearing for the petitioner submits that there was a land dispute between the petitioner and the family members of the *de facto* complainant. The petitioner has been falsely implicated and all the allegations levelled against him are unfounded. The co-accused persons similarly situated with the petitioner have already been enlarged on bail by an order dated 8th July, 2020 passed in CRM 4810 of 2020 by a co-ordinate Bench of this Court. The principal accused namely, Kumar Farukh had already been arrested. Upon completion of investigation, charge-sheet has also been submitted and as such, further detention of the present petitioner, who is in custody since July 7, 2020, is not necessary.

Mr. Banerjee, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that the petitioner approached this court earlier along with one Jarina Bibi and his prayer for bail was rejected, as would be evident from the order dated July 8, 2020 passed in CRM 4810 of 2020.

Drawing the attention of this court to the statement of the witnesses recorded under Section 161 of the Code, he submits

that the petitioner is directly involved in the alleged offence.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the statements of the witnesses including the injured persons, as recorded under Section 161 of the Code 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 in the facts and circumstances of the case.

Accordingly, the petitioner 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, Chanchal, Malda, subject to the condition that the petitioner shall appear before the Trial Court on all the dates fixed for hearing.

The petitioner shall not tamper with any evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the conditions stated above without any justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this court.

The application for bail, being CRM No. 768 of 2021, is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

