

18.03.2021

CRM 820 of 2021

Court No. 28
Item No. 82
snandy

(ALLOWED)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 20.01.2021 in connection with Hemnagar Coastal Police Station Case No. 32 of 2020 dated 25.07.2020 under Sections 302/34 of the Indian Penal Code. (CMC 19 of 2021)

and

In the matter of: **Tarak Mistri**

..... Petitioners

Mr. Kallol Kumar Basu, Advocate

Ms. Jannat UI Firdous, Advocate

.....for the Petitioners

Mr. Neguive Ahmed, Advocate

Ms. Trina Mitra, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Hemnagar Coastal Police Station Case No. 32 of 2020 dated 25.07.2020 under Sections 302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for about 234 days and there are direct evidence implicating the present petitioner who happens to be the grandfather of the deceased. He further submits that as investigation of the case has already been concluded further detention of the petitioner is unwarranted and he may be released on bail on any stringent condition.

Learned Advocate of the State opposes the prayer for bail and draws attention of the Court to the statements of the witnesses as also the post-mortem report and submits that there are materials implicating the present petitioner.

We have perused the material-on-record including the statement of the witnesses and find that the present case is based on circumstantial evidence and the main thrust of the witnesses is the behaviour of the present petitioner. Having regard to the nature of

allegations made against him we are of the opinion that further detention of the petitioner is unwarranted in the facts and circumstances of the present case.

As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bashirhat on the following conditions:-

- i) The petitioner shall meet the Officer-in-charge of Hemnagar Coastal Police Station once in a week until further order;
- ii) The petitioner shall regularly attend the trial Court/Learned Magistrate on the specified dates fixed;
- iii) The petitioner shall not impede the progress of the case in any manner whatsoever;
- iv) In the alternative, if it is found there are obstructions created by the petitioner, the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 820 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)