

19.03.2021
Item No.83
Ct.No.28
Subha
Allowed

C.R.M. 949 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Chanchal P. S. Case No. 993 of 2020 dated 03-11-2020 under Sections 147/148/149/326/307/302/201 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act(G. R. Case No. 2465 of 2020)

And

In the matter of : **Aminul Hoque @ Aminul Haque & Anr.**
... Petitioners.

Mr. Sekhar Kumar Basu, Sr. Advocate
Mr. Koustav Bagchi
Mr. Arup Sarkar
Mr. Sourav Mukherjee

... For the Petitioners.

Mr. Saibal Bapuli, APP
Mr. Arani Bhattacharyya

... For the State.

Leave is granted to correct the preamble of the application by the Advocate-on-record here and now.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Chanchal P.S. Case No. 993 of 2020 dated 03-11-2020 under Sections

147/148/149/326/307/302/201 of the Indian Penal Code of the Indian Penal Code read with Sections 25/27/35 of the Arms Act.

The case has been initiated against the petitioners over the murder of the deceased, which according to the petitioners arose from a land dispute for which a civil suit has been filed by the petitioners and order of injunction was also passed therein.

According to Mr. Basu, learned senior advocate appearing for the petitioners there is no incriminating materials projected against the petitioners on the complicity of the offences and they are not the prime accused persons even according to the eye-witnesses.

However, Mr. Bapuli, learned Additional Public Prosecutor appearing for the State apprised us of the fact that similarly circumstanced persons, namely, Manefa Khatun @ Manu Bibi @ Mano @ Mano Bibi and Sahin Sultana @ Umme Sahin Sultana @ Sultana Bibi have already been released on bail and, therefore, the petitioners who stand on the same footing should also be treated in the same fashion.

In view of the fact that similarly circumstanced persons have already been released on bail, we do not think any justification in considering the petitioners differently and as such, the prayer for bail of the petitioners is allowed.

Therefore, the accused/petitioners, namely, **1.** *Aminul Hoque @ Aminul Haque* and **2.** *Machu Sk @ Machhu Sk @ Machhu Sekh*, be released on bail upon furnishing a bond of Rs.10,000/(Rupees Ten Thousand only), each 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* and on further condition that the petitioners must be available on the dates specified by the learned Trial Court and any violation of the same will entitle the learned Trial Court to cancel the bail without reference to this Court.

The application for bail being CRM 949 of 2021 is, accordingly, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)