

12.04.2021
Item no.138
Court No.28
Avijit Mitra

C.R.M.1607 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kulti Police Station Case No.189 of 2020 dated 17.06.2020 under Sections 302/120B of the Indian Penal Code;

And

In Re : Mithilesh Ram @ Mithlesh Ram

.... petitioner

Mr. Kallol Kumar Basu,
Mr. Snehasish Mukherjee,
Mr. Debapriya Samanta

....for the petitioner

Mr. Neguive Ahmed,
Ms. Trina Mitra

..... for the State

The learned advocate for the petitioner submits that the petitioner is in custody for 289 days and the case is based on circumstantial evidence and the petitioner has been falsely implicated simply on the basis of suspicion. There has been recovery of Hamal Dista Kutni pursuant to the leading statement of the present petitioner. Having regard to the period of detention, the learned advocate prays for bail on any stringent condition.

Mr. Ahmed, learned advocate for the State opposes the petitioner's prayer for bail and submits that there are witnesses who have named the petitioner but each of the statements narrate the complicity of the petitioner in a manner of suspicion. He also submits that the opinion of the fingerprint expert is awaited. Our attention is further drawn to an order passed on 29th January, 2021 by a Coordinate Bench in which one of us

(Justice Tirthankar Ghosh) was a party wherein persons similarly placed has been granted bail.

We have taken into consideration the period of detention of the petitioner and that the fact that another accused person is on bail. Having regard to the quality of the evidence collected by the investigating agency so far as the present petitioner is concerned, we are of the opinion that further detention of the petitioner is not required. As such, the petitioner may be released on bail.

Accordingly, the petitioner, namely, **Mithilesh Ram @ Mithlesh Ram**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, **Paschim Bardhaman** and on further condition that the petitioner shall not enter into the jurisdiction of **Kulti** Police Station and shall intimate his address to the officer-in-charge of the concerned Police Station where he will be residing while on bail.

In view of the dispute regarding the name, the learned Chief Judicial Magistrate will be checking the identification on the basis of the documents produced by the petitioner before release on bail.

The application for bail being CRM No.1607 of 2021, is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)

