

28.07.2021

(Via Video Conference)

Court No. 28
Item No. PB - 09
nandy

CRM 1923 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 18.02.2021 in connection with Kushmandi Police Station Case No. 26 of 2020 dated 07.03.2020 under Sections 302/201/120B of the Indian Penal Code. (G.R. Case No. 177 of 2020)

and

In the matter of: **Saifur Rahaman & Anr.**

..... Petitioners

Mr. Mazhar Hossain Chowdhury, Advocate

.....for the Petitioners

Mr. Saibal Bapuli, learned A.P.P.

Mr. Arijit Ganguly, Advocate

Mr. Arani Bhattacharya, Advocate

..... for the State

Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioners have filed the instant application for bail in connection with Kushmandi Police Station Case No. 26 of 2020 dated 07.03.2020 under Sections 302/201/120B of the Indian Penal Code.

Learned Advocate for the petitioners submits that the petitioners are languishing in jail for 340 days in connection with the afore-mentioned case and the petitioners are the uncles of the deceased who was residing in her in-laws house after marriage. They are implicated in the instant case as their names divulged in the FIR lodged in this regard.

It is a matter of circumstantial evidence. Chargesheet has already been submitted.

In view of the facts and circumstances of the present case, we do not think that further custodial interrogation of the petitioners is necessary.

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

Accordingly, the petitioners shall be released on bail on the following conditions:-

- i) The petitioners shall furnish a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur;
- ii) The petitioners shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioners shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 1923 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)