

03.06.2021
Court No.28
Item No. 33
sn

CRM 2139 of 2021 (Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re: **Nazu @ Nazul Sk.**

Petitioner

Mr. Debabrata Roy
Mr. Prabir Majumder
Mr. Snehansu Majumder

For the Petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

For the State

The present application has been filed in connection with Nakashipara Police Station Case No. 549 of 2015 dated 18.09.2015 under sections 364/326/307/302/34 of the Indian Penal Code.

Mr. Roy, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident, which occurred on 17.9.2015. The allegations are omnibus in nature and upon completion of investigation, charge sheet has already been filed. However, the petitioner is languishing in custody since 2nd October, 2020. The co-accused persons, similarly situated with the petitioner, had already been granted bail. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer drawing our attention to the

statement of witnesses as recorded under Sections 161 and 164 of the Code.

He submits that the petitioner is not similarly situated with the co-accused persons, who have been enlarged on bail. The petitioner was absconding for a substantial period of time.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, it appears that the petitioner is similarly situated with the co-accused persons, particularly, one Idu Sk., who had already been enlarged on bail.

Considering the nature of allegations and since upon completion of investigation, charge sheet has already been submitted, we are of the opinion that further detention of the petitioner is not necessary. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner namely, **Nazu @ Nazrul Sk**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar.

The petitioner shall not enter the jurisdiction of Nakashipara Police Station and he shall intimate his address where he would be residing to the Officer-in-Charge, Nakashipara Police Station within seven days from date.

He shall also attend the learned trial court on all the dates as specified for hearing.

In the event, the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail of the petitioner without any further reference to this Court.

Accordingly, the application for bail being CRM 2139 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)