

16.07.2021

(Via Video Conference)

Court No. 28
Item No. PB - 06
nandy

CRM 2331 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 02.03.2021 in connection with Manbazar Police Station Case No. 40 of 2020 dated 14.05.2020 under Sections 147/148/149/325/326/308/506/302 of the Indian Penal Code. (Criminal Misc. Case No. 38 of 2021)

and

In the matter of: **Sunil Singh Sardar & Ors.**

..... Petitioners

Mr. M. Mukherjee, Advocate

Mr. Aritra Bhattacharya, Advocate

.....for the Petitioners

Mr. Nequive Ahmed, Advocate

Mr. Md. Anwar Hossain, Advocate

Ms. Trina Mitra, Advocate

..... for the State

Leave is granted to the learned Advocate-on-record of the petitioners to correct the description of the petitioner no. 4, here and now.

Advocate-on-record of the petitioners undertake 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 Manbazar Police Station Case No. 40 of 2020 dated 14.05.2020 under Sections 147/148/149/325/326/308/506/302 of the Indian Penal Code.

According to the petitioners, three of the co-accused persons including the father of the petitioner no. 4 had been released on bail by the Sessions Judge. It is further submitted that chargesheet has already been submitted and no further custodial interrogation of the petitioners, is necessary.

The State opposes the prayer for bail. However, it is fairly submitted that the present petitioners stand on the same footing that of

the other three co-accused who have been enlarged on bail. However, an exception is sought to be drawn that those co-accused were arrested on the date of the incident whereas the petitioners were arrested after a gap of nearly five months.

It appears that the petitioners are in custody since October 18, 2020. Since, chargesheet has already been submitted and other co-accused persons, who stand on the same footing, have already been released on bail, we do not find any justification in keeping the present petitioners in custody.

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 Chief Judicial Magistrate, Purulia;
- ii) The petitioners shall make themselves 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 petitioners 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 2331 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

