

13.04.2021
SL No.15
Court No.28
(gc)
(Allowed)

CRM 2407 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Chapra Police Station Case No.08 of 2021 dated 02.01.2021 under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of : **Mohashin Sk. @ Mohasin Sk. & Anr.**

- Petitioners

Mr. Satadru Lahiri,
Ms. Rajnandini Das,

... For the Petitioners.

Mr. Nguive Ahmed, Ld. A.P.P.,
Ms. Trina Mitra,

... For the State.

Mr. Tapan Dutta Gupta,
Mr. Sanjay Ghosh,

...For the de facto complainant.

Pursuant to the order dated 31st March, 2021 passed by a Coordinate Bench, the matter has been listed.

The learned Advocate appearing for the petitioners submits that the victim died and the reason for such death was myocardial infraction.

Mr. Nguive Ahmed, learned Advocate appearing for the State submits that the petitioners and the associates assaulted the deceased which obviously accelerated the cause of death of the victim/deceased. It has been submitted that the petitioners are in custody since 03.01.2021 and the investigation of the case has already been concluded.

Having regard to the stage of the case and the materials appearing in the case diary as also considering the antecedents of the present petitioners, we are of the opinion that further

custodial detention of the petitioners may not be warranted in the facts and circumstances of the case. As such, the prayer for bail is allowed.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall stay outside the jurisdiction of Chapra Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the Court proceeding and shall meet the Investigating Officer once a week until further orders and shall disclose their present addresses to the Investigating Officer and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 2407 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.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)