

10.
29-07-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2561 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tehatta Police Station** Case No. **493 of 2015** dated **08.10.2015** under Sections **302/34** of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Ujabbar Sk & Anr.

.... Petitioners.

Mr. Manas Kumar Das,
Mr. A. Mondal,

... For the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. R. Nandy

... For the State.

The petitioners claim parity. The petitioner no. 1 has been in custody for six years and the petitioner no. 2 has been in custody for five years.

The charge is under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

Our attention has been drawn to orders of this Court whereby other two accused persons have been enlarged on bail. We find that the petitioners stand on the same footing. Accordingly, for that reason and keeping in view the long period of time that the petitioners have been in custody and that the charge sheet has been filed and there is no real possibility of the trial being concluded in the near future, we are inclined to enlarge the petitioners on bail.

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 Additional Chief Judicial Magistrate, Tehatta, Nadia and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)