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

(Via Video Conference)

CRM 2978 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bantra Police Station** Case No. **174 of 2020** dated **03.10.2020** under Sections **302/120B/34** of the Indian Penal Code.

- A n d -

In the matter of : Samsad Alam & Anr.

.... Petitioners.

Mr. Sekhar Basu, Sr. Adv.,
Mr. K. Kumar Mukherjee,
Mrs. P. Singh

... For the Petitioners.

Mr. Madhusudan Sur, learned APP,
Mr. Dipankar Paramanick

... For the State.

The petitioner no. 1 is in custody for about 278 days and the petitioner no. 2 is in custody for about 262 days. They pray for bail.

It is submitted on behalf of the petitioners that the petitioners' names have not transpired in any of the documents supplied to the petitioners under Section 207 of the Code. Presence of the petitioners or their involvement is not found in the material on record. They are in custody for a sufficient period of time and trial has commenced. Therefore, further detention of the petitioners is not required.

The State opposes the prayer for bail and refers to the case diary including the statement of a person recorded under Section 164 of the Code. It appears that the said person heard the incident and is not an eye-witness.

Having considered the material on record and also the fact that the petitioner no. 1 was not placed in T.I. Parade and the petitioner no. 2 was not identified in T. I. Parade and also as trial has commenced, in view of the protracted period of detention suffered by the petitioners, we are of the view that they may be granted bail and their further detention is no longer necessary.

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 Chief Judicial Magistrate, Howrah, 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.)