

14.09.2021
Item no.51.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3236 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2021 in connection with Chapra Police Station Case No.378 of 2020 Dated 08.10.2020 under Sections 302/120B/34 of the Indian Penal Code

And

In the matter of : Paresh Halder & Anr.

.....Petitioners.

Mr. Sekhar Basu, Sr. Adv,
Mr. Asraf Mondalfor the Petitioners.

Mr. Madhusudan Sur, Id. APP,
Mr. Monoranjan Mahatofor the State.

The petitioners renew their prayer for bail. The petitioners are husband and wife. The allegation is that the petitioners along with other accused persons conspired and killed the victim, one Tapas Halder. It is alleged that the petitioner no.2 had an affair with the victim and also an affair with one Samar Halder. Samar and the petitioner no.1 independently threatened the victim. Subsequently the victim was murdered.

The petitioners say that they have no role to play in the death of the victim. They have been falsely implicated. Charge

sheet has been submitted. There is no reason for further detaining the petitioners.

The prosecution draws our attention to the statements of the victim's wife and the victim's brother recorded under Section 164 of the Code of Criminal Procedure. The victim's wife names the petitioner no.1 and Samar Halder as the persons, who allegedly murdered her husband.

We have considered the material on record and the facts and circumstances of the case. Samar Halder appears to be on the same footing as the present petitioners. Samar Halder was granted bail by this Court by an order dated 17.08.2021 passed in CRM No.2048 of 2021.

Further, there are no eyewitnesses to the incident. The entire case is based on circumstantial evidence. Charge sheet has been submitted. We are of the view that the petitioners may be enlarged on bail, but on stringent conditions.

Accordingly, we direct that the petitioners, namely Paresh Halder and Sankari Halder 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 Krishnagar, and on further conditions that they shall remain within the jurisdiction of the concerned police station and the petitioner no.1 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)