

(Via Video Conference)

CRM 4425 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hasnabad Police Station** Case No. **480 of 2015** dated **31.08.2015** under Sections **302/323/34** of the Indian Penal Code.

- A n d -

In the matter of : Harendra Nath Sardar @ Bhutta Sardar
.... Petitioner.

Mr. S. Lahiri,
Mr. S. Azam

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Soumik Ganguli,

... For the State.

The petitioner is one of the three accused persons. The allegation is that the accused persons called the victim from his house, took him to a fishery which allegedly belongs to the petitioner and killed him there. The petitioner is in custody for about 195 days. The other accused persons have been granted bail by the learned Court below.

We have seen the material in the case diary including the statement of a witness who is a ten years old boy, recorded under Section 164 of the Code. He says that the petitioner called his uncle (victim) from outside the house. He went out and found all the accused persons took away the victim. There is no specific allegation that it was the petitioner who actually dealt the fatal blow on the victim.

On an overall assessment of the facts and circumstances of the case, in view of the fact that charge

sheet has been filed and also in view of the fact that the other accused persons have been granted bail by the learned Court below, we are of the view that the petitioner who has been in custody for 195 days, may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Basirhat and on further conditions that he 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 petitioner 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 petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's 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.)