

20.09.2021
Serial no. 66
Dd

(Through Video Conference)

CRM 4787 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **16th July, 2021** in connection with **Malda** Police Station Case No. **75 of 2021** dated **13.02.2021** under **Sections 364/ 302/ 201/ 34** of the Indian Penal Code (**G. R. No. 744 of 2021**)

-And-

In the matter of : Nimai Hembram & Anr.

... ...Petitioners

Mr. Kallol Monda,
Mr. M. A. Sk.,
Mr. Krishan Roy,
Ms. Amrita Chel,
Mr. Soumik Das,
Mr. A. Banerjee, Advocates
... ... For the Petitioners

Mr. Neguive Ahmed, Id. APP
Ms. Amrita Gaur,
Mr. Z.N. Khan, Advocates
... ...For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submitted that there was a love affair between the petitioner no. 1 and the deceased. The petitioners were falsely implicated. There is no evidence against the petitioners. The police submitted charge sheet and, therefore, further detention of the petitioners is not required. The petitioners are languishing in custody for over 219 days.

Learned advocate appearing for the State draws the attention of the court to the statements recorded under Section 161 of the Cr. P.C. He submits that although initially the deceased was with the petitioner no. 1 but subsequently

returned to her parent's house when arrangements were being undertaken for the purpose of marrying the deceased to someone else. According to him, the petitioner no. 1 used to visit the parents house of the deceased and used to threaten parents of the deceased.

Considering the materials in the case diary and considering the fact that the police submitted charge sheet, we are inclined to grant bail to the petitioner no. 2, Ajoy Hasda @ Ajoy Hansda. However, considering the statements recorded under Section 161 of the Cr.P.C. and the materials available in the case diary, we are not inclined to grant bail to the petitioner no. 1, Nimai Hembram.

Accordingly, we direct that the petitioner no. 2, Ajoy Hasda @ Ajoy Hansda shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda subject to condition that the petitioner no. 2 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 2 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner no.2 in accordance with law without further reference to this Court.

The prayer for bail of petitioner no. 2 is **allowed**.

The prayer for bail of petitioner no. 1 is **rejected**.

CRM 4787 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

