

09.12.2021.
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(Allowed)

C.R.M. 4959 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P. S. Case No.333 of 2020 dated 16.09.2020 under Sections 364/302/201/120B/34 of the Indian Penal Code.

In the matter of : Anur @ Anowar Shaikh.

.... Petitioner.

Mr. Shataroop Purkayastha.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Dipankar Paramanik.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than 425 days. It is submitted that he has been falsely implicated in the instant case out of suspicion.

Learned Advocate appearing for the State opposes the prayer for bail and submits complicity of the petitioner has been transpired from the statement of co-accused persons.

We have considered the materials on record. Complicity of the petitioner has transpired from the statements of co-accuseds before police officer which are inadmissible in evidence. There is no independent evidence corroborating the presence of the petitioner in or about the place of occurrence. No incriminating article was seized pursuant to the leading statement of the witnesses.

In view of the aforesaid facts and the protracted period of detention referred by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 Chief Judicial Magistrate, Krishnanagar, Nadia subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.4959 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)