

07.10.2021
Item no.28.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5819 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 27.08.2021 in connection with Deganga Police Station Case No.176 of 2021 Dated 1.4.2021 under Sections 302/201/34 of the Indian Penal Code

And

In the matter of : Hazira Bibi & Anr Petitioners.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Majhi,
Ms. Snigdha Saha,
Mr. Pronay Basak,
Mr. Subhayu Das for the Petitioners.

Mr. Madhusudan Sur, Id. APP,
Mr. Monoranjan Mahato.....for the State.

The petitioners say that they have no involvement in the alleged murder of the victim. The entire case is based on circumstantial evidence. Charge sheet has been submitted against these petitioners under Sections 201/34 of the Indian Penal Code. They are in custody for 189 days.

We have seen the material in the case diary including statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. Prima facie, the statements do not directly implicate these petitioners. Charge sheet has been submitted upon completion of investigation.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the opinion that further custodial detention of the petitioners is not necessary.

Accordingly, we direct that the petitioners, namely Hazira Bibi and Moin Uddin 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 Additional Chief Judicial Magistrate, Barasat, North 24 Parganas and on further conditions that they shall remain within the jurisdiction of the concerned police station and the petitioner no.2 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 and/or commit any cognizable offence 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.)

