

23.09.2021

22
Ct. No. 29
KAUSHIK
Allowed

C.R.M. 6293 of 2021
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Amta** Police Station Case No. **357** of **2020** dated **05.12.2020** under Sections 302/120B of the Indian Penal Code, 1860.

And

In Re : Rajesh Khan @ Gohar

..... petitioner

Mr. Anindya Ghosh

.....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Dutta

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody in excess of 251 days. He submits that, there is no evidence against the petitioner.

Learned advocate appearing for the State draws the attention of the Court to a statement recorded under Section 164 of the Code of Criminal Procedure. In answer to a query of the Court, he submits that the police submitted charge-sheet.

Considering the statements recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the police submitted charge-sheet, we are inclined to grant bail to the petitioner.

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, Uluberia, Howrah, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)