

08.12.2021
Sl. No.101
akd
[ALLOWED]

C. R. M. 6424 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.09.2021 in connection with Ratua Police Station Case No. 325 of 2020 dated 15.07.2020 under Sections 341/325/304/34 of the Indian Penal Code and subsequently charge sheet was submitted under Sections 341/325/302/34 of the Indian Penal Code. (G.R. Case No.1479 of 2020)

And

In Re: **Zakir Hossain**

... .. Petitioner

Mr. Kazi M. Rahaman

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 475 days. It is further submitted that there is no progress in the matter since the last rejection of bail by this court. It is also submitted that the incident occurred in the course of a sudden quarrel amongst family members.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show that there was a quarrel between brothers. Father intervened and suffered injuries. In view of the aforesaid facts, we are of the opinion whether the petitioner intended to kill the victim may be assessed in the course of trial. However, in the facts and circumstances of the case particularly the protracted period of detention suffered by the petitioner and as there is no progress in the trial since the last rejection of bail by this court, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Zakir Hossain***, 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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)