

64 22.12.2021
AD Ct. No.29
(Allowed)

C.R.M. 7618 of 2021
(Via video conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Amdanga** P.S. Case No. **195** dated **25/04/2017** under Sections **498A/304B/302** of the of the Indian Penal Code. (G.R. No.906/2017).

And

In the matter of: Jiaul Haque

....petitioner.

Mr. Pratip Mukherjee
Mr. Omar Faruk Gazi

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Partha Pratim Das
Ms. Manasi Roy

...for the State.

Petitioner seeks bail.

The application for bail is taken up for consideration subsequent to the order dated November 30, 2021.

On November 30, 2021, recording the submission made on behalf of the State that two more witnesses were required to be examined and that the next dates fixed for such purpose were December 15, 2021 and December 16, 2021, the matter was placed today.

Learned Advocate appearing for the State submits that there are at least six more witnesses which are required to be examined. He submits that on November 30, 2021 they were under the impression that a police personnel and a doctor were to be examined. In fact, it was several police personnel and the Doctor.

In answer to a query from the Court, learned Advocate appearing for the State submits that all other witnesses were examined on the side of the prosecution, save and except, the remaining police personnel and the doctor.

Learned Advocate appearing for the petitioner draws the attention of the Court to the orders dated December 15, 2021 and

December 16, 2021 of the jurisdictional Court.

It appears from the order dated December 15, 2021 that two witnesses were examined on behalf of the prosecution and that the next dates for examining all other witnesses on behalf of the prosecution were fixed on February 21, 2022 and February 22, 2022.

Considering the period of detention of the petitioner and considering the fact that further witnesses are yet to be examined and considering the fact that the police personnel and the doctor remain to be examined on behalf of the prosecution, we grant bail to the petitioner.

Accordingly, the petitioner 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, Barasat subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. 7618 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)