

24.12.2021

Court No.32
rpan/45

CRM 8068 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Budu Sk. @ Budurulla Sk. & Anr.**

- Petitioners

Mr. Manas Kumar Das,
Mr. Asraf Mandal
... for the Petitioners.
Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Kaliganj Police Station Case no.481 of 2020 dated 09.10.2020 under Sections 447/325/326/354/307/34 of the Indian Penal Code, 1860.

Mr. Das, learned advocate appearing for the petitioners submits that there was a previous dispute between the parties and they have been falsely implicated. The allegations are omnibus in nature. The co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail by a coordinate Bench of this Court. Upon completion of investigation charge sheet has also been submitted. In view thereof, further detention of the petitioners, who are in custody for 88 days, is not warranted.

Mr. Sen, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the injury report and the statement of the witnesses.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the nature of injury and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that further custodial detention of the petitioners is not necessary, more so when, accused persons, similarly situated had already been granted anticipatory bail.

Accordingly, we allow this application and direct that the petitioners, namely, **Budu Sk. @ Budurulla Sk.** and **Megha Sk. @ Saifuddin Sk. @ Chhaifuddin Sk.**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia

It is further directed that the petitioners shall attend the Trial Court on the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.8068 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)