

20.12.2021
173
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allowed

**CRM 8450 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 378 of 2020 dated 08.10.2020 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Fika Tarafder petitioner

Mr. Sumanta Das

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharyya

..... for the State

FSL report filed by the learned Counsel appearing for the State be kept with record.

Petitioner renews his prayer for bail.

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 500 days. It is further submitted that the petitioner stands on the same footing with Paresh Halder who has been enlarged on bail by a co-ordinate Bench of this Court.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record. There is no direct evidence connecting the petitioner with the alleged crime. FSL report with regard to seized article is still awaited.

In view of the aforesaid facts, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall 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, Krishnanagar, Nadia, 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)