

30.06.2021
Court No.30
Item No. 62
Krishnendu
Bail Granted

**CRM 8246 of 2020
(Via video Conference)**

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

And

In Re : **Jaynal Gazi**

Petitioner

Mr. Lakshminath Bhattacharya

Mr. Sudharshan Ghosh

For the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

For the State

As prayed for, leave is granted to the learned advocate for the petitioner to amend the cause title and prayer portion of the application.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Jaynagar Bakultala Police Station Case No. 329 of 2019 under sections 498A/304B/302/34 of the Indian Penal Code.

Mr. Bhattacharya, learned advocate appearing for the petitioner, submits that the petitioner has been falsely implicated and he has been languishing in custody since 10th July, 2019. The co-accused persons have already been enlarged on bail by the learned Court below. Upon completion of investigation, charge sheet has also been submitted and as such further detention of the petitioner is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer for bail and draws our attention to the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure, as well as the postmortem report.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

In consideration of the present pandemic situation and rapid proliferation of the virus, bail should be granted liberally unless custodial interrogation is absolutely necessary [see the order passed by the Hon'ble Supreme Court in **Re: Contagion of Covid-19 Virus in Prisons**]. The petitioner is languishing in custody since 10th July, 2019. Upon conclusion of investigation, charge sheet has also been submitted and there is also no possibility towards conclusion of the trial in the near future.

In the said conspectus, we are of the opinion that further detention of the petitioner, who is in custody since 10th July, 2019, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Jaynal Gazi**, shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas and on condition that the petitioner shall meet with

the Officer-in-Charge of Jaynagar Bakultala Police Station once a week on and from 12th July, 2021 until further orders.

It is further directed that the petitioner shall attend the learned trial court on all the dates, as fixed for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8246 of 2020, is disposed of.

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

(Suvra Ghosh, J)

(Tapabrata Chakraborty, J)