

18.02.2021
Item no.09
Court No.28
Avijit Mitra

C.R.M.9537 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kalyani Police Station Case No.196 of 2020 dated 12.06.2020 under Sections 302/324/34 of the Indian Penal Code;

And

In Re : Sunil Yadav alias Jadab

.... petitioner

Ms. Minoti Gomes,

Mr. Partha Sarathi Das

....for the petitioner

Mr. Saswata Gopal Mukherjee, Id. P.P.,

Mr. Anwar Hossain

..... for the State

Mr. Palash Bapari

....for the *de facto* complainant

Learned advocate appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. The principal accused namely Ram Behari Yadav is already in custody. The brother of the petitioner, who is similarly situated, has already been granted bail by a Coordinate Bench of this Court. Upon completion of investigation, chargesheet has also been filed and as such further detention of the petitioner, who is in custody for more than 240 days, is not necessary.

Mr. Mukherjee, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statement of a witness namely, Mamata Yadav recorded under Section 164 of the Code of Criminal Procedure.

Upon perusal of the records it appears that the extent of complicity of the petitioner is similar to that of his brother namely, Anil Yadav who has already been released on bail.

In view thereof and upon considering the nature of allegations, we are of the opinion that further detention of the petitioner is not necessary and as such his prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Sunil Yadav alias Jadab** shall 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, Kalyani, Nadia and on further condition that the petitioner shall appear before the learned Trial Court regularly till the disposal of the trial and shall not intimidate the witnesses and/or tamper the evidence. In the event the petitioner fails to comply with the conditions as stated hereinabove, it would be open to the learned Trial Court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. No.9537 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)