

25.01.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Dankuni** Police Station Case No.**283 of**
Sl.26 **2019** dated **14.11.2019** under Sections **341/323/325/307/504/34** of the
Ct.28 Indian Penal Code (G.R. Case **No.2178 of 2019**);

And

In re: Sk. Maidul Islam & Anr.

... petitioners.

Mr. Sanjib Mitra

... for the petitioners.

Mr. Neguive Ahmed, Ld. PP

Ms. Amita Gaur

...for the State.

Mr. Mitra, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated and there is no specific allegation against the petitioners. The prime accused, namely, **Ajijul @ Apa** has already been granted bail by a Coordinate Bench of this Court. Upon completion of investigation charge-sheet has been filed and as such, further detention of the petitioners, who are in custody for 161 (one hundred sixty one) days, is not necessary.

Mr. Ahmed, learned advocate appearing for the petitioners submits that the petitioners' prayer for bail was rejected by a Coordinate Bench of this Court by an order dated 25th September, 2020 upon considering the statement of the victim's wife recorded under Section 164 of the Code of Criminal Procedure.

It appears from the records that in the 164 statement though the names of the petitioners herein appear but, *prima facie*, no overt act attributable to the petitioners, has been disclosed. It appears that the extent of complicity of the petitioners in the alleged offence is less than that of **Ajijul @ Apa**, who has already been granted bail by a Coordinate Bench of this Court. In the said conspectus and as charges have already been framed, we are of the opinion, that further detention of the petitioners is not warranted.

Accordingly, the petitioners, namely, **Sk. Maidul Islam and Sk. Aizul @ Sk. Yeajul**, 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly and on further condition that petitioner shall appear before the trial court twice in a week on and from 2nd February, 2021, until further orders and shall not leave the jurisdiction of **Dankuni** Police Station without the permission of the learned Trial Court.

Accordingly, the application for bail being CRM No.9585 of 2020 is allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)