

09.02.2021
Item no.20
Court No.28
Avijit Mitra

C.R.M.10402 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Burwan Police Station Case No.282 of 2020 dated 27.09.2020 under Sections 341/325/326/34 of the Indian Penal Code and subsequently added Section 304 of the Indian Penal Code;
And

In Re : Azad Sk. & Ors.

.... petitioners

Mr. Abdur Rakib,
Mr. Jisan Iqbal Hossain

....for the petitioners

Mr. Binay Panda,
Mr. Subham Kanti Bhakat

..... for the State

The learned advocate appearing for the petitioners submits that there was a free fight between two groups and in the same the petitioners were falsely implicated. There is no direct allegation against the petitioners. Upon completion of investigation charge sheet has also been filed and as such further detention of the petitioners, who are in custody for more than 118 days, is not required.

Learned advocate appearing for the State opposes the prayer for bail and draws our attention to several documents in the case diary including the injury report.

Records reveal that the name of the petitioner no.4 has transpired on the basis of the statement of a co-accused person, namely, Nasir Sk. alias Nasiruddin Sk., which is inadmissible

evidence. In view thereof, we are of the opinion that further detention of the petitioner no.4 is not warranted.

Accordingly, we direct that the petitioner no.4, namely, **Rajib Sk.** 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad.

Considering the nature of allegations and the extent of complicity of the petitioner nos. 1, 2 and 3 in the alleged offence, we are not inclined to grant bail to the said petitioner nos. 1, 2 and 3 and their prayer for bail is rejected.

The case diaries pertaining to the two cases are handed over to the learned advocate appearing for the State.

The application for bail being C.R.M. No.10402 of 2020 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)