

5.1.2021
Item no. 3
Ct.5
G.S.Das

C.R.M. No.10725 of 2020

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Purbasthali Police Station Case Number 82 of 2020 dated 07-04-2020 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In the matter of:-

Nur Nabi Chowdhury @ Kalo Chowdhury

... Petitioner

Mr. Rajdeep Majumder
Mr. Palash Bapari
Mr. Dhananjay Banerjee

.. for the petitioner

Mr. Madhusudan Sur, A.P.P.
Mr. Dipankar Paramanick

..for the State

Mr. Majumder, Learned Counsel, appears in support of this application for bail. It is submitted that the petitioner is in custody for over 250 days in connection with Purbasthali P.S. Case No. 82 of 2020 dated 07-04-2020 under Sections 302/201/120B/34 of the I.P.C.

It is brought to the notice of this Court that the charge-sheet connected to the case has been submitted in July, 2020. It is also submitted that out of the five accused persons named in the

F.I.R., two of the accused have obtained bail from the Learned Trial Court and they are similar positioned as the present petitioner.

It is, therefore, submitted that further detention of the petitioner is not warranted.

Mr. Paramanick, Learned State Counsel, strongly resists the prayer for bail on the ground that the co-accused namely Mohibulla Sk. @ Mou Sk. who also had a role in the alleged abduction and murder as well as claiming of ransom is identically circumstanced at par with the present petitioner and, has been refused the privilege of bail by an order of the Hon'ble Division Bench dated 28th August, 2020.

Strong reliance is placed by Learned State Counsel on the point that the father of the victim/deceased has mentioned the name of the petitioner as the person who demanded the ransom amount using the mobile of the victim/deceased.

Having considered the rival submissions and the materials placed, this Court is of the view that the role of the accused and his present position as an undertrial in custody does not exceed that of the other co-accused who have been already granted bail by the Learned Trial Court.

In such a view of the matter and, having regard to the fact that the charge-sheet has already been submitted, this Court is persuaded to grant bail to the petitioner subject to certain conditions.

The prayer for bail of the petitioner stands accordingly allowed.

The petitioner (Nur Nabi Chowdhury @ Kalo Chowdhury) may find bail of Rs.20,000/- (Rupees Twenty Thousand) only, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman with the condition that he will not tamper with the evidence and intimidate the witnesses in any manner whatsoever and, on the further condition that he will appear on all dates fixed for his appearance in the trial, in default, his bail is liable to be cancelled without further reference to this Court.

CRM 10725 of 2020 stands accordingly **disposed of**.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)