

15.02.2021

Item No.13

Ct.No.28

dc.

Allowed

C.R.M. 10896 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Munna Chowdhury**

... Petitioner.

Mr. Prabir Majumder,
Mr. Snehansu Majumder

... For the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mothabari P.S. Case No. 83 of 2020 dated 15.02.2020 under Section 380 of the Indian Penal Code and added Section 395 of the Indian Penal Code (G.R. No. 831 of 2020).

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner was shown arrested in connection with the instant case on 14th May, 2020 and the investigation of the case has been concluded. According to the learned advocate, there are no materials warranting further detention of the petitioner as the investigation has been concluded.

Mr. Datta, learned advocate appearing for the State refers to the pages of the case diary, but all the statements,

so relied upon by the State, refer to the statement of the co-accused persons.

We have perused the case diary and the order dated 04.12.2020 passed in CRM 9554 of 2020 wherein an accused similarly placed with the petitioner was released on bail.

Having regard to the period of detention of the present petitioner and the fact that the petitioner has been implicated on the basis of statement of co-accused persons, we are of the opinion that further detention of the petitioner, who is in custody for about 273 days, is not warranted.

Accordingly, we direct that the petitioner, namely, **Munna Chowdhury** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda and on a further condition that the petitioner shall meet with the Officer-in-Charge of Mothabari Police Station once a week, immediately after release, until further orders.

The application for bail, being CRM 10896 of 2020, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)