

10.02.2021
Item No.6
Ct.No.28
Subha
Allowed

C.R.M. 10938 of 2020
(Via Video Conference)

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

And

In the matter of : **Situ Sk. & Ors.** ... Petitioner.

Mr. Amitava Karmakar
Mr. Arup Kumar Bhowmick ... For the Petitioners.

Mr. Saibal Bapuli
Ms. Sayanti Santra ... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with English Bazar P.S. Case No. 298 of 2020 dated 10th April, 2020 under Sections 341/302/34 of the Indian Penal Code.

Mr. Karmakar, learned advocate appearing for the petitioners submits that the petitioners are in custody for 92 days and similarly placed accused persons being Kabul Sk. and Golenur Bibi have been granted bail and anticipatory bail respectively.

Mr. Bapuli, learned advocate appearing for the State submits that the petitioners took active participation in the

commission of the alleged offence and to that effect draws the attention of this court to the statement of three witnesses on whom the prosecution has relied upon in the chargesheet.

We have perused the materials on record more particularly the statement of the complainant and the witnesses who have been cited in the chargesheet.

On an appreciation of the same, we are of the opinion that the *petitioner no.2(Tasikue @ Tasidul Sk)* and *petitioner no. 3(Sadikul @ Sadiqul Sk)* are not entitled to be released on bail.

So far as the *petitioner no.1 (Situ Sk.)* is concerned, he has been discretely and inconsistently named in the complaint without any witnesses having named him in the participation of the offence.

Having regard to the same, the bail of petitioner no.1, *Situ Sk.* is allowed.

Accordingly, the petitioner no. 1, namely, **Situ Sk.** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount, one of whom must be local, to the satisfaction of Chief Judicial Magistrate, Malda.

If the petitioner is able to furnish the bail bond, then he shall meet with the Officer-in-Charge of the English Bazar Police Station once a week until further orders.

With the aforesaid observations, the application being CRM 10938 of 2020, is disposed of.

Case diary as produced by the learned advocate for the State be returned to the learned advocate for the State.

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.)