

07.01.2022.
Sl 46.
Court no.29
BP

C.R.M. (DB) 38 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shantipur Police Station Case No. 740/2021 dated 21.9.2021 under Sections 341/326/307/34 of the Indian Penal Code.

In the matter of : Sujan Sarkar & Anr.

...Petitioners.

Mr. Prabir Majumder

..for the petitioners.

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

The petitioner no.1 is in custody for 102 days and the petitioner no.2 is in custody for 82 days. It is contended on behalf of the petitioners that there are the case and counter case over the self same incident and they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Having considered the submission that the case and counter case were registered over the self same incident and in view of the period of detention already suffered by the petitioners, we are of the opinion that further detention of the petitioners is not necessary and they may be granted on bail.

Accordingly the petitioners 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 ACJM, Ranaghat on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail without reference to this court.

The application for bail is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)