

01.02.2022
Serial no. 27
Dd

(Through Video Conference)

CRM(DB) 92 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **S.T. No. 146 of 2020** arising out of **Jagacha** Police Station Case No. **38 of 2020** dated **18.02.2020** under **Sections 302/201** of the Indian Penal Code & Adding Section **120B** of the Indian Penal Code.

-And-

In the matter of : Md. Rinku & Anr.

...Petitioners

Mrs. Sonali Das, Advocate

... .. For the Petitioners

Mr. Rudradipta Nandy, Advocate

... ..For the State

Petitioners seek bail.

Learned advocate appearing for the petitioners submits that the petitioners are in custody in excess of one year six months. The police filed charge sheet and, therefore, further detention of the petitioners is not required. She submits that another co-accused standing on the same footing as that of the petitioners was granted bail in CRM 7179 of 2021.

Learned advocate appearing for the State draws the attention of the Court to the seizure list and to the statements recorded under Section 161 of the Criminal Procedure Code. He submits that the petitioners are not the residents of the State and that there is every likelihood of the petitioners absconding. He draws the attention of the Court to the earlier order of rejection of the bail of the

petitioners where the prayer was rejected on the ground that the petitioners were not residents of the State.

It appears from the seizure list that the seizure was made at a tenanted house at Howrah. A co-accused from whom recovery was made in the same seizure list was granted bail by the co-ordinate bench in CRM 7179 of 2021 on November 9, 2021.

In the circumstances, considering the fact that the co-accused was granted bail by the co-ordinate Bench and *prima facie* it appears that the petitioners are residents of Howrah as tenants and considering the period of detention of the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Howrah subject to condition that the petitioners shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The prayer for bail is **allowed**.

CRM(DB) 92 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

