

21.03.2022

Sl. 46

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 747 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.03.2022 in connection with **Belur** P.S. Case No. **135 of 2021** dated **22/06/2021** under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: Mallu @ Jakir Hossain

....petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Mritunjoy Chatterjee

Mr. Kaushik Dey

Mr. Debapriya Majumder

...for the petitioner.

Ms. Zareen N. Khan

Mr. Ashok Das

...for the State.

Petitioner seeks bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is in custody for 125 days. He submits that the police filed charge-sheet. He refers to the statement recorded under Section 164 of the Criminal Procedure Code. He submits that the petitioner is standing in a different footing as that of the co-accused who is named in the statement recorded under Section 164 of the Criminal Procedure Code.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code as well as the statement of the eyewitnesses who saw the petitioner along with the other co-accuseds and the victim. She submits that the petitioner along with the other co-accuseds were last seen with the victim. She refers to the statements recorded by the grand mother and aunt of the victim. The postmortem speaks of death due to drowning. The Statement recorded under Section 164 of the Criminal Procedure

Code names the petitioner but the involvement of the petitioner in the incident is different to the other co-accuseds.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet and considering the postmortem report of the victim, we grant bail to the petitioner.

Accordingly, the petitioner 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, Howrah subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, the prayer for bail of the petitioner is allowed.

CRM (DB) 747 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)