

10.06.2022
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 1038 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2022 in connection with Entally Police Station Case No. 276 dated 14.08.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Rahul Yadav @ Rahul Kumar Yadav & Anr.***

... .. Petitioners

Mr. Sandip Chakraborty
Mr. Ashok Das
Mr. Ashok Chowdhury
Mr. Kaustav Das

... .. for the petitioners

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 9½ years. It is further submitted they are not the principal assailants. It is also submitted that the victim was a thief and a large number of persons had chased him and two of them assaulted the victim.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners have been identified as the persons who were present at the place of occurrence.

We have considered the materials on record. Statements of witnesses show that the victim who was suspected to be a thief was chased by a number of persons. There is no clear evidence that the petitioners were the assailants of the victim. Keeping in mind the extent of the complicity of the petitioners in the alleged crime and in view of the period of detention suffered by them, we are of the opinion that further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) *Rahul Yadav*** @ ***Rahul Kumar Yadav*** & **(2) *Sudhir Kumar***, 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 Additional Chief Judicial Magistrate, Sealdah, subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders 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 automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)