

09.06.2022.
56.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1492 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P. S. Case No.755 of 2020 dated 02.11.2020 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Hayat Ali & Anr.

.... Petitioners.

Mr. Ayan Bhattacharya,
Mr. Sagar Saha.

...for the Petitioners.

Mr. Soumik Ganguli.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioners renew their prayer for bail. They are in custody for about 584 and 567 days respectively. It is submitted that they have been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Most of the witnesses have implicated the petitioners out of mere suspicion. No FSL report with regard to weapons recovered is placed before us.

Keeping in mind the nature of materials collected and the fact that there is hardly any progress in the matter since the last rejection of bail by this Court and in view of the protracted

period of detention already suffered by the petitioners, we are inclined in granting bail to them.

Accordingly, the petitioners shall 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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that the 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)