

11.07.2022
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allowed

CRM (DB) No. 2218 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 347 of 2021 dated 29.08.2021 under Sections 143/147/148/427/380/436/504/506 of the Indian Penal Code and Sections 3/5 of the Explosive Substance Act.

And

In Re : Paresh Kotal & Anr. petitioners

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee
Ms. Sompurna Chatterjee
Mr. Sourov Mondal

.....for the petitioners

Mr. Atif Ahmed Siddiqui

..... for the State

Learned Counsel appearing for the petitioners submits that father of the petitioner no. 2 was murdered. In retaliation, petitioners have been falsely implicated in the instant case which was registered three months after the incident. They are in custody for 56 days.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the material on record. There is considerable delay in lodging F.I.R. No incriminating materials were recovered from the possession of the petitioners. Possibility of false implication due to a prior criminal case registered over the murder of father of the petitioner no. 2 cannot be wholly ruled out.

Under such circumstances, 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly, subject to the condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)