

02.09.2022
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allowed

CRM (DB) No. 2968 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hemtabad Police Station Case No. 352 of 2021 dated 09.12.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Najimuddin Ahammed & Anr. petitioners

Ms. Devi Priya Mitra

.....for the petitioners

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

Learned Counsel appearing for the petitioners submits petitioners are in custody for 269 days. It is also submitted that the eye-witnesses have not supported the prosecution case.

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

We have considered evidence on record. Eye-witnesses have not supported the prosecution case. In view of the aforesaid, we are of the opinion further detention of the petitioners may not be necessary and they may be granted bail.

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 District and Sessions Judge, Fast Track-I, Raiganj, Uttar Dinajpur, subject to the condition that they 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)