

13.09.2022.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3093 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah P. S. Case No.49 of 2022 dated 26.01.2022 under Sections 448/323/506/364/34/302/201 of the Indian Penal Code.

In the matter of : Arbinda Kumar Shaw @ Pankaj
Shaw & Anr.

.... Petitioners.

Mr. Joy Chakraborty,
Mr. Sandip Dinda.

...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioners are in custody for 230 days. It is submitted co-accused has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. He submits there are statements of witnesses who saw the victim being dragged away by the petitioners and co-accused in the night of 19.1.2022. Subsequently, his body was recovered in Jharkhand on 20.1.2022.

We have considered the materials on record. Though the witnesses claimed petitioners and others had dragged away the victim in the night of 19.1.2022 from his residence, no contemporaneous complaint was lodged. In fact, diary was lodged after three days i.e. on 22.1.2022. In the said diary there is no reference with regard to forcible dragging away of the victim by the miscreants.

In view of the aforesaid contradiction and other inconsistencies in the case, co-accused was enlarged on bail. Petitioners stand on the same footing with the co-accused.

Under such circumstances, we are inclined to enlarge the petitioners on bail also.

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 Chief Judicial Magistrate, Howrah subject to condition that they 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)