

08.12.2022.
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as
(Allowed)

C.R.M. (DB) 4339 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P. S. Case No.143 of 2022 dated 03.04.2022 under Sections 302/120B/34 of the Indian Penal Code.

In the matter of : Saddam Sk. @ Saddam Hossain & Anr.
.... Petitioners.

Mr. Kingsuk Mondal.
...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.
...for the State.

Mr. Ali Ahsan Alammgir,
Ms. Rabia Khatoon.
...for the de-facto complainant.

Petitioners are in custody for 125 days. It is contended they are not the principal accused. Investigation is complete. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

Learned Advocate for the de-facto complainant opposes the prayer for bail and submits victim was a deaf and dumb person. Petitioners are threatening the witnesses.

We have considered the materials on record. Petitioners are not the principal accused. Keeping in mind the extent of complicity of the petitioners in the crime and the period of detention suffered by them, we are inclined to grant bail to the petitioners, however, subject to conditions.

Accordingly, the petitioners viz Saddam Sk. @ Saddam Hossain and Daud Sk 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, Murshidabad at Berhampore 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 and on further condition that they shall meet the Officer-in-charge of Hariharpara Police Station once in a week until further orders.

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.

The application for bail is, thus, disposed of.

(Siddhartha Roy Chowdhury,J.)

(Joymalya Bagchi, J.)