

CRM (DB) 106 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Md. Zunaid @ Md Junaid

.....Petitioner

Ms. Esha Acharya

.....for the Petitioner

**Mr. Nilay Chakraborty
Ms. Namrata Das**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Phansidewa P.S. Charge Sheet No. 62 of 2022 dated 06/02/2022 under Sections 302/34 of the Indian Penal Code.

Ms. Acharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The ingredients of Section 302 are not attracted in the present case. The petitioner had already suffered long incarceration for about 156 days and there is also no possibility towards early conclusion of the trial in the near future. Upon completion of investigation, charge sheet has been submitted and as such, further detention of the petitioner may not be necessary.

Drawing our attention to several documents in the case diary including the statement of the witnesses and the post mortem report, Mr. Chakraborty, learned advocate appearing for the State submits that there are strong incriminating materials on record against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the period of detention already suffered and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary, moreso when upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Md Zunaid @ Md Junaid**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 106 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)