

05.04.2023
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 1330 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Raiganj Police Station Case No.817 of 2020 dated 06.10.2020 under Sections 447/325/304/506/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 447/325/302/506/34 of the Indian Penal Code. (G.R. Case No.1843 of 2020)

And

In Re: ***Eshaque Ali @ Md. Eshahak @ Eshahak Ali @ Md. Isahak & Anr.***

... .. Petitioners

Mr. Sandipan Ganguli .. Sr. Advocate
Mr. R. K. Gupta

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

Petitioners renew their prayer for bail. It is submitted on behalf of the petitioners that the vital witnesses have not supported the prosecution case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Six prosecution witnesses have been examined. They claimed to be the eyewitnesses. None of the witnesses have supported the prosecution case. In view of the aforesaid lacunae, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Eshaque Ali @ Md. Eshahak @ Eshahak Ali @ Md. Isahak & (2) Abdul Latif***, 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 Sessions Judge, FTC

2nd Court, Raiganj, Uttar Dinajpur subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)