

17.05.2023

Item No.1
Ct.No.34
dc.

C.R.M. (SB) 95 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kandi Police Station Case No. 43 of 2023 dated 01.02.2023 under Sections 341/448/354/506/34 of the Indian Penal Code.

And

In Re : **Hasan Sk. and others.**

... Petitioners.

Mr. Arnab Chatterjee,
Mr. Jesan Hossain,
Ms. Chandrima Debnath ... For the Petitioners.

Mr. S. S. Imam,
Mr. R. Jana ... For the State.

Records of this case reflect that the present petitioners were arrested on 23.02.2023 and produced before learned Additional Chief Judicial Magistrate, Kandi, Murshidabad on 24.02.2023 and since then, they are in custody. The offences complained of are under Sections 341/448/354/506/34 of the Indian Penal Code. Having considered that the prescribed punishment in none of the offences are more than seven years, the statutory period for bail in such cases should be computed to be 60 days.

Learned advocate appearing for the petitioners submits that the petitioners are in custody for about 84 days and till date, charge-sheet has not been submitted before the jurisdictional court.

Learned advocate appearing for the State submits that no other section has been added in course of investigation in the present case.

In view of the aforesaid, the petitioners are entitled to be released on default bail. As such, the prayer for bail of the petitioners is **allowed**.

Accordingly, the petitioners shall be released on bail upon furnishing 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 Chief Judicial Magistrate, Kandi, Murshidabad.

As the investigation is under progress, the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad will impose conditions, as it deems fit and proper, so that the petitioners are available in course of the investigation.

The application for bail, being CRM (SB) 95 of 2023, is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)