

16. 01.06.2023
Ct.8 jb/Tanmoy

Allowed

CRM (DB) 2129 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Ratua Police Station Case No. 354 of 2020 dated 06.08.2020 under Sections 448/326/307/302/506/34 of the Indian Penal Code, 1860.

And

In the matter of: - **Sk Irfan @ Efu @ Sekh Ifu**

...petitioner.

Mr. Sourav Chatterjee,
Mr. Sarthak Mondal

...for the petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Mr. Subrata Roy

...for the State.

Leave is granted to learned Advocate-on-Record for the petitioner to amend the cause title by incorporating Section 302 of the Indian Penal Code, 1860.

Mr. Sourav Chatterjee, learned Advocate appearing for the petitioner submits that the petitioner is in custody for about 458 days. According to the petitioner, the genesis of the feud related to land dispute consequent to which, the unfortunate incident happened. There are no criminal antecedents so far as the present petitioner is concerned.

Mr. Rudradipta Nandy, learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner has been absconding for a considerable period of time.

We have considered the prayer for renewal of bail and as it has been informed that some of the accused persons are still

absconding and the present petitioner is in custody for about 458 days, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case. Accordingly, we are inclined to allow the prayer for bail of the petitioner.

Accordingly, the petitioner, 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

In this case, the local sureties must furnish Title Deed of a property before the accused being released. If on bail, the petitioner shall appear before the Officer-in-Charge/Inspector-in-Charge of Ratua Police Station, Malda, once in a month until further orders of this Court.

Learned Additional Chief Judicial Magistrate, Chanchal, Malda is directed to fix three consecutive dates in the fourth week of June, 2023. The SDPO/DSP, who is in-Charge of Ratua Police Station, will serve notice upon all the accused persons who have been released on bail in connection with the instant case.

It has also been informed that the proclamation and attachment in respect of the other accused persons are pending. The learned Additional Chief Judicial Magistrate, Chanchal is directed that in the last week of June, 2023, if all the processes are exhausted, the learned Additional Chief Judicial Magistrate, Chanchal would split up the trial of the accused in the first week

of July, 2023 and commit the case within the said week before the jurisdictional Sessions Court.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, the jurisdictional Court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2129 of 2023 is, thus, allowed and disposed of.

The learned Registrar General, High Court, Calcutta is directed to communicate this order to the learned District and Sessions Judge, Malda.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)