

26.07.2023
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 2959 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.07.2023 in connection with Nakashipara Police Station Case No.548 of 2020 dated 21.10.2020 under Sections 363/365/376/34 of the Indian Penal Code.

And

In Re: ***Pakhirul Islam @ Sentu Sk.***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 611 days. It is further submitted a criminal case has been registered against the relations of the victim. In retaliation, petitioner has been falsely implicated. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim has already been examined. Though she supports the prosecution case, her deposition must be tested in the light of the defence version with regard to false implication owing to prior criminal case instituted against her relations. In view of the aforesaid fact and as vulnerable witness has already been examined and there is little possibility of trial concluding in the near future, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Pakhirul Islam @ Sentu Sk.***, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that the said petitioner 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 the petitioner, while on bail, shall not enter the jurisdiction of Nakashipara Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)