

28.08.2023
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allowed

CRM(DB) No. 3365 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rishra Police Station Case No. 129 of 2017 dated 18.10.2017 under Sections 364/367/302/201/34 of the Indian Penal Code.

And

In Re : Suraj Giri @ Vindi & Anr. petitioners

Mr. Malay Bhattacharyya

Mr. Dibakar Mondal

Ms. Sudipa Sen Gupta

....for the petitioners

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.... for the State

1. Petitioners are in custody for two years and two months.

It is also submitted that there is no direct evidence that they were responsible for the murder of the victims. In fact, that the victims had been murdered is unclear. In this background, while dealing with the bail prayer of the co-accused Rakesh Singh, this Court had directed further investigation into the matter. Hence, they pray for bail.

2. Learned Counsel for the State submits report with regard to further investigation.

3. We have considered the materials on record. Saddam and Pappu were last seen with one Jaymangal Yadav who had been murdered. In the course of investigation Saddam and Pappu could not be traced out. Charge-sheet was filed alleging that they had also been murdered. Except the statement of petitioner no. 2 before the police no legally admissible material is

placed on record to show involvement of the petitioners in the murder. It is also material to note nothing has been placed on record till date to establish homicidal death of Saddam and Pappu. Further investigation is in progress but no incriminating material has come to light against the petitioners. Rakesh Singh has been enlarged on bail. Accordingly, we are inclined to grant bail to the petitioners also.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly. subject to conditions that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)