

08.09.2023
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allowed

CRM(DB) No. 3495 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 1337 of 2022 dated 25.12.2022 under Sections 448/427/379/436/506/34 of the Indian Penal Code.

And

In Re : Khokan Sk. @ Bhola Sekh & Anr. petitioners

Ms. Minoti Gomes
Mr. Abdul Rakib
Mr. Shanta Sarkar

....for the petitioners

Mr. Binay Panda
Ms. Puspita Saha

.... for the State

1. Learned Counsel for the petitioners submits son of the de facto complainant was implicated in a case of kidnapping and murder. Petitioners protested and have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits house of the victim was set on fire.

3. We have considered the materials on record. There is prior enmity between the parties. It is contended that son of the de facto complainant was implicated in heinous offences. No one was injured in the course of the incident. Keeping in mind the aforesaid facts and period of detention suffered by the petitioners, we are inclined to grant bail to them.

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, Ranaghat, Nadia, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)