

11.01.2024
as/tkm/ct 28
sl no. 55

C.R.M. (DB) 68 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raghunathganj PS case no. 313 of 2019 dated 5.7.2019 under sections 447/326/307/302/120B IPC
and

Allowed

In Re : Fansur Sk @Fansur Ali &Anr. petitioners

Mr. U A Dewan
Mr. Asif Dewan
..... for the petitioner

Mr. B K Roy
Mr. Antyarikshya Basu
..... for the State

Mr. D P Ganguli
..... for the de facto complainant

1. Petitioner no. 1 is in custody for more than four years and petitioner no. 2 is in custody for more than two years respectively. It is submitted they have been falsely implicated in the case due to suspicion. They pray for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Purported eye-witness, Sadikul Hossian (PW7) has not supported the prosecution case.
4. In view of the aforesaid laches in the prosecution case and the protracted period of detention suffered by the petitioners we are inclined to grant bail to them.
5. Accordingly, the petitioners 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 ACJM, Jangipur, Murshidabad on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate

witnesses or tamper with evidence in any manner whatsoever.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application being CRM (DB) 68 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)