

17.01.2024

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Allowed

C.R.M. (DB) No. 145 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 274 of 2023 dated 19.09.2023 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Monirul Sk. @ Moni & Ors. petitioners

Mr. Niladri Sekhar Ghosh

Mr. Debarshi Brahma

.....for the petitioners

Mr. Partha Pratim Das

Mr. Shashanka Shekhar Saha

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for 102 days. It is also submitted brother-in-law of the co-accused, Mafuja Bewa had died in police custody. She instituted writ proceeding being WPA 22111 of 2023. FIR was registered against police personnel. Thereafter the said Mafuja Bewa and others including the petitioners were falsely implicated in the instant case. Under such circumstances, co-accused have been enlarged on bail. Hence, they pray for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Co-accused, Mafuja Bewa had approached this Court alleging custodial death of her brother-in-law. A criminal case was registered against police. Thereafter Mafuja Bewa and others

including petitioners were arrested. Mafuja and other co-accessed have been granted bail/anticipatory bail. Possibility of false implication of the petitioners owing to prior animosity with police authorities cannot be ruled out. Under such circumstances, we are inclined to grant bail to the petitioners.

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, Tehatta, Nadia, subject to condition that petitioners 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.

5. In the event petitioners fail to appear before the trial court without any 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.)