

17.12.2024
Item no. 63.
Court No.29.
AB
(Allowed)

CRM (DB) 3136 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No.307 of 2023 Dated 20.05.2023 under Sections 326/307/34 of the Indian Penal Code

And

In the matter of : Lobi Sk. & Others

.....Petitioners.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,
Ms. Dhanasree Biswasfor the Petitioners.

Mr. Suman De,
Mr. Ronit Mukherjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail. Learned Advocate for the petitioners produces depositions of the witnesses examined so far. Most of the witnesses have been examined. Only a few formal witnesses remain.
2. Learned State Counsel opposes the prayer for bail.
3. The witnesses, who matter i.e., the defacto complainant, the wife of the deceased, the son of the deceased and other such persons, have all turned hostile. This has made a huge dent in the prosecution case.
4. In view of the aforesaid and keeping in mind that the petitioners have already been in judicial custody for periods ranging from 11 months to 1 year and 6

months, we are of the view that further custodial detention of the petitioners is not necessary.

5. Accordingly, we direct that the petitioners, namely **LOBI SK., TOPAI @ TUPAI SK., ALIHIM SK., MITHUN SK., ATIN SK. @ ATIN ALI SHAIKH, IBRAHIM SK. @ GOBAR, CHHATTAR SK.** 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 Chief Judicial Magistrate, Nadia at Krishnagar, and on further conditions that they shall remain within the jurisdiction of the Kaliganj Police Station and shall report to the Officer-in-Charge of the Kaliganj Police Station once in a fortnight until further orders.
6. The 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 and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)