

Allowed

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhubulia Police Station Case No. 270 of 2020 dated 23.10.2020 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

... Petitioners

Mr. Partha Pratim Das
Mr. Asraf Mandal ... For the State

The prosecution proposes to examine thirty-five witnesses out of whom only thirteen witnesses have been examined so far. Chances of completion of trial at an early date is bleak.

Considering the period of incarceration of the petitioners, this Court is inclined to release the petitioners on bail solely on the touchstone of Article 21 of the Constitution of India without going into the merits of the case.

Accordingly, prayer for bail of the petitioners is allowed.

The petitioners **Giyas Sk and Sentu Saha @ Sentu Shah** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) 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 Krishnanagar subject to condition that they shall remain outside the jurisdiction of Dhubulia Police Station and shall furnish the address where they shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction they shall henceforth reside. The petitioners shall appear before the learned trial Court on every date of hearing. They shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)