

(2020) 08 CAL CK 0004

In the Calcutta High Court

Case No : Criminal Misc. Case (Bail Application) (CRM) No. 5329 Of 2020.
Criminal Application No. 3643 Of 2020

Md. Nur Alam @ Nur And Anr

APPELLANT

Vs

State Of West Bengal

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3)

Citation : (2020) 08 CAL CK 0004

Hon'ble Judges : Bibek Chaudhuri, J;Soumen Sen, J

Bench : Division Bench

Advocate : Kallol Mondal, Anamitra Banerjee, Rana Mukherjee, Santanu Chatterjee

Final Decision : Allowed

Judgement

The petitioners undertake to affirm and stamp the petition/application as per the Rules within a month of resumption of normal functioning of the court.

Subject to such undertaking, the application is taken up through video conference.

This is an incident of mob lynching where the victim died on an allegation that he allegedly committed theft by some people including the present

petitioners.

The learned Advocate for the petitioners has prayed for bail on the ground that charge-sheet has already been submitted against the petitioners. They

are in custody for more than 300 days. Due to Covid pandemic, charge could not be framed at this stage. Pre-trial detention is not necessary. So, he

may be released on bail.

Learned Public Prosecutor-in-Charge, on the other hand, submits that the case

diary shows direct involvement of the present petitioners. Offending weapon was recovered from him. Moreover by filing charge-sheet prima facie case has been established.

We have carefully perused the case diary.

Detention for the purpose of investigation is not necessary at this stage as the same is complete. The trial of the case could not be proceeded with because of the prevailing situation. Under such circumstances, where everything remains uncertain, we are of the view that further detention of the present petitioners is not necessary.

Therefore, the petitioners may be released on bail upon furnishing a 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, Howrah with further condition that if on bail,

they shall file an affidavit before the Investigating Officer stating their present residential addresses wherefrom they will not leave without the order of

the competent court during the pendency of the case. The petitioners will further comply with the conditions contained in Section 437(3) of the Code

of Criminal Procedure. In violation of any of the above conditions will entail the instant bail order cancelled without further reference to this Court.

The application for bail is accordingly allowed. CRM 5329 of 2020 and CRAN 3643 of 2020 are allowed.