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06-10-2020  
Court 11

**C.R.M. 3240 of 2020**  
**IA No. CRAN 1 of 2020**  
**(Via Video Conference)**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur Police Station Case No. 346 of 2017 dated 17.11.2017 under sections 302/201/326/307/109/120B of the Indian Penal Code with Section 25(1B)a/27/35 of the Arms Act.

Allowed

Sagar Sen  
Versus  
State of West Bengal

Mr. Subhabrata Bandyopadhyay, Adv.

...for the petitioner.

Mr. Swapan Banerjee, Adv.  
Mrs. Purnima Ghosh, Adv.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is accordingly, disposed of.

The learned Counsel appearing on behalf of the petitioner has renewed his prayer for bail based on series of orders passed, by which the co-accused similarly placed with the petitioner have been granted bail by co-ordinate Benches of this Court. Pursuant to the earlier order, a supplementary affidavit has been filed on behalf of the petitioner disclosing the order passed by a co-ordinate Bench on 3<sup>rd</sup> August, 2020.

Learned Counsel appearing on behalf of the State has submitted that the principal accused is enlarged on bail and most of the co-accused are on bail.

In view of the fact that the principal accused is on bail and the petitioner is in custody for more than three years and all other co-accused are on bail, we are inclined to grant bail to the petitioner.

We have also taken into consideration that during trial, the sole eyewitness became hostile and there was no other eyewitness. The statement made on behalf of the petitioner that another co-accused standing on a worse footing was granted bail by a co-ordinate Bench, subsequent to the earlier rejection of the bail of Raju Mondal, one of the accused, is not disputed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom shall be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Paschim Medinipur, subject to condition that the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

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

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**