

03 10.09.2020
rkd Ct. No.08
(Allowed)

**C.R.M. 3468 of 2020
(CRAN 2 of 2020 (old CRAN 4475 of 2020)
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kulti** P.S. Case No. **354 of 2019** dated **25/08/2019** under Sections **302/120B** of the Indian Penal Code and under Sections **25/27** of the Arms Act.

And

In the matter of: Seikh Sarfaraj @ Tinku Seikh
....petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. D. Basu
...for the petitioner.

Mr. U. S. Chatterjee,
Mr. S. S. Chatterjee
...for the defacto complainant.

Mr. P. Datta,
Mr. S. Ggosh,
Mr. B. Banerjee
...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 4475 of 2020 is disposed of.

Petitioner is in custody for more than one year and it is further submitted that there is little possibility of the trial concluding in the near future. Accordingly, he renews his prayer for bail. He is not the principal assailant.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that petitioner had motive to

commit the murder and had been noticed in the company of assailants prior to the incident.

Learned counsel appearing on behalf of the defacto complainant opposes the prayer for bail and submits that petitioner had strong political connections.

We have considered the materials on record. Although there is a statement of a witness who speaks of presence of the petitioner along with unnamed others who allegedly murdered the victim, no T.I. Parade with regard to the said assailants was conducted. Keeping in mind the aforesaid facts and the extent of complicity of the petitioner in the alleged crime, we are inclined to grant bail to the petitioner, however, subject to strict restrictions on his movement in order to instill confidence in the minds of the witnesses of this case.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Asansol subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall not enter the district of Paschim Burdwan until further orders except for attending the court proceedings and shall provide the address where he shall presently reside to the investigating officer as well as the court below and shall meet the Officer-in-charge of concerned Police Station where he shall presently reside once in a months until further orders.

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, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)