

11 21.09.2020
rkd Ct. no.16
(Allowed)

C.R.M. 6575 of 2020
(IA NO:CRAN 1 of 2020)
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rejinagar** P.S. Case No. **143 of 2013** dated **22/06/2013** under Sections **302/326/307/34** of the Indian Penal Code.

And

In the matter of: Suresh Ghosh & Anr.

....petitioners.

Mr. A. K. Chattopadhyaya

...for the petitioners.

Mr. S. Adhikary

...for the defacto complainant.

Mr. S. Banerjee,
Ms. P. Ghosh

...for the State.

Petitioners undertake 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, the application being CRAN 1 of 2020 is disposed of.

Petitioners are in custody for more than 8 years. It is further submitted that co-accused persons are on bail and they are not the principal accuseds who shot at the victim.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Learned counsel appearing on behalf of the defacto complainant also opposes the prayer for bail and submits that trial is in progress.

We have considered the materials on record including the statements of eyewitnesses. Although the presence of the

petitioners are noted, they are not the principal accuseds who fired at the victim or threw bombs. In view of the extent of complicity of the petitioners in the alleged crime and the protracted period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners, subject to the strict conditions.

Accordingly, the petitioners are directed to 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 Additional Chief Judicial Magistrate, 5th Court, Berhempore, Murshidabad subject to the condition that during bail they shall appear before the learned trial court regularly and they shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that they shall remain within the jurisdiction of Reginagar P.S. except for attending the court proceedings and shall report to the Officer-in-charge of said Police Station once in a week until further orders.

In the event the petitioners fail 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.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)