

22.09.2020
SL No.8
sg & s.biswas
(Allowed)

**C.R.M. 7036 of 2020
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 **Dhubulia** P.S. Case No. **290 of 2019** dated **16.12.2019** under Sections **341/302/34** of the Indian Penal Code and Sections **25(1)(a)(b)/27** of the Arms Act.

And

In the matter of: **Somnath Biswas @ Raju**

....Petitioner

Mr. Prabir Majumder

...for the Petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

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

It is submitted on behalf of the petitioner that he is in custody for about 260 days. It is further submitted that he is not the principal accused who fired at the victim. He also submitted that the petitioner stands on the same footing as other co-accused who have been granted bail earlier in CRM 4852 of 2020 and CRM 5069 of 2020 dated 08.07.2020 and 30.07.2020 respectively.

Learned advocate appearing for the State opposes the prayer for bail and submits that the petitioner was a member of the unlawful assembly, one of whom committed murder.

We have considered the materials on record. Extent of complicity of the petitioner in sharing common intention may be assessed at the appropriate stage of the proceeding. However, in view of the facts and circumstances of the case and the period of detention suffered by the petitioner and as he does not appear to be the principal accused who fired at the victim, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event, he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for bail, thus, stands allowed.

All concerned authorities shall act in terms of the copy downloaded from the official website of this Court.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)