

19.10.2020
Sl. No. 15
kb/b.r.
Crt.12

Allowed

**CRM 8019 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda P.S. Case No. 247 dated 10.09.2019 under Sections 447/302/120B/34 of the IPC.

And

In the matter of: **Selim Malik @ Selim Sk.**

....Petitioner.

Mr. Navnil De

Mr. Rajeswar Chakraborty

...for the Petitioner.

Mr. Madhusudan Sur

Mr. Monoranjan Mahata

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Counsel for the petitioner submits that he was not named in the FIR and his name transpired from the statement of the co-accused. Nothing has been seized or recovered from his possession. The petitioner in this petition has relied upon various orders passed by Co-ordinate Benches and submits that when the principal accused has been released on bail there is no reason why the petitioner should be detained further.

Learned Counsel for the State opposes the prayer for bail.

It is submitted that some cases where the petitioners have been granted bail by the Co-ordinate Benches are not similar to that of the petitioner. Moreover, one mobile phone has been seized from the petitioner wherefrom it transpired that the petitioner was constantly communicating with the several accused persons.

Of the several orders placed before us a Co-ordinate Bench dated 12th March, 2020 in the matter of Prabir Hossain being CRM 2630 of 2020 has passed an order on 12th March, 2020 granting bail to Prabir against whom it was categorically submitted by the State that the weapon of offence was seized from the said petitioner, namely, Prabir Hossain. The Co-ordinate Bench granted bail on the following reasons:-

“ We have considered the materials in the case diary. We note that petitioner was not named by the informant as one of the persons who shot at the victim. Impact of the alleged seizure may be assessed at the appropriate stage of the proceeding in the view of the aforesaid facts and circumstances and the period of detention suffered by the petitioner and as investigation is complete we are inclined to grant bail to the petitioner”

In the instant case save and except a mobile nothing has been recorded from the petitioner. Impact of the alleged seizure of the mobile may be assessed at the appropriate stage of the proceeding in view of the aforesaid facts and circumstances and the period of detention suffered by the petitioner and as charge sheet has already been filed we are inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, Selim Malik @ Selim Sk. 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 Chief Judicial Magistrate, Murshidabad 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.

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.

CRM 8019 of 2020 stands thus disposed of.

Learned advocate as well as the other concerned authorities shall act on the copy of the order downloaded from the official website of this Court.

(Soumen Sen, J.)

(Abhijit Gangopadhyay, J.)