

19.10.2020
Sl. No. 17
kb/b.r.
Crt.12

Allowed

**CRM 8022 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati P.S. Case No.141 of 2020 dated 10.08.2020 under Sections 143/341/325/326/307/186/332/333/353/489(C) of the Indian Penal code read with Sections 25(1) (a)/27 Arms Act.(corresponding GR Case No. 786/2020).

And

In the matter of: **Sabirul Sk. @ Sabu & Ors.**

....Petitioners.

Mr. Bitasok Banerjee

...for the Petitioners.

Mr. N. Ahamed

Ms. Amita Gaur

...for the State.

Petitioners undertake 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.

It is submitted on behalf of the petitioner that they have been falsely implicated in this case in view of a mass petition initiated at the instance of the husband of Hasina Bibi. According to the petitioners the husband of the petitioner no.1 has been roped in several cases subsequent to the emergence of the mass petition and as a retaliation to the genuine grievances expresses by the petitioners they have been falsely implicated.

It is submitted that persons similarly placed as that of the petitioners have been granted bail by a Co-ordinate Bench on 30th September, 2020.

Learned Counsel for the State opposes the prayer for bail and submits that there are materials in the case diary justifying involvement of the petitioner in the commission of the alleged offence.

Learned Counsel for the State has also drawn our attention to the statement of witnesses already collected in the case diary in particular the seizure list showing recovery of improvised arms and some currency notes. However, we have not been able to find out any materials either showing recovery of any arms or fake currency notes from the possession of the accused persons nor the prosecution could show recovery of any arm from the petitioner.

Accordingly, we direct the petitioners 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 Additional Chief Judicial Magistrate, Rampurhat, Birbhum and on condition that that during bail they will appear before the learned trial Court on each and every date fixed for appearance till disposal of the trial and they shall not intimidate the witnesses or tamper with the evidence in any manner whatsoever and subject to the provisions of Section 473(3) of CrPC. Any violation of any of the aforesaid conditions would result in automatic cancellation of bail.

CRM 8022 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.)