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Allowed

C.R.M. 8871 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 384 of 2019 dated 16.06.2019 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the E.S. Act and Section 9(b) of the I.E. Act.

And

In Re : Ajay Ghosh petitioner

Mr. Diptangshu Basu
.....for the petitioner

Mr. Saibal Bapuli, learned A.P.P.
Mr. Arani Bhattacharya
....for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 199 days and he is one of the accused persons who fired at the victim.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner is a member of an unlawful assembly some of whom had fired at the victim.

Having considered the materials on record and keeping in mind the statements of the witnesses and the extent of complicity of the petitioner in the alleged crime, we are of the opinion whether petitioner had shared common intention with

other members of the unlawful assembly may be assessed at the appropriate stage of the proceeding.

Hence, in view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner and as investigation is complete, we are inclined in granting bail to the petitioner in the instant case.

Accordingly we direct that the petitioner shall 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, Murshidabad, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further condition that while on bail the petitioner shall not leave the jurisdiction of Domkal Police Station until further orders except for attending Court proceeding.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

