

10.12.2020
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allowed

**CRM 10205 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rampurhat Police Station Case No. 314 of 2018 dated 12.07.2018 under Sections 395/397/412 of the Indian Penal Code.

And

In Re : Akbar Sekh & Ors. petitioners

Mr. Bitasok Banerjee

.....for the petitioners

Ms. Z. N. Khan

Ms. Sreeparna Das

....for the State

Learned Counsel appearing for the petitioners submits that they are in custody for 351 days. It is also submitted that they renew their prayer for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the witnesses had heard the petitioners and others discussing about the dacoity after the occurrence.

We have considered the materials on record. We note that the petitioners had not been put up for test identification parade. Cash seized from the petitioners is not substantial. Other articles seized have also not been put up for test identification parade. Statements of the witnesses relate to a post-occurrence event and have to be assessed in the factual backdrop of the case at the appropriate stage of the proceeding.

Under such circumstances and in view of extent of complicity of the petitioners in the alleged crime and since there is

little prospect of the trial concluding in the near future, we are inclined in granting bail to the petitioners.

Accordingly, we direct that the petitioners shall 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, Rampurhat, Birbhum, subject to the condition that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)