

14.12.2020
Sl. No.55
akd
[ALLOWED]

C. R. M. 10298 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 320 of 2019 dated 13.07.2019 under Sections 341/302/120B of the Indian Penal Code and Sections 25/27/35 of the Arms Act. (G.R. Case No.2805 of 2019)

And

In Re: ***Eliyas Sk.***

... .. Petitioner

Mr. Robiul Islam .. Advocate

Mr. Arghya Chakraborti .. Advocate

Ms. Pramita Banerjee .. Advocate

... .. for the petitioner

Mr. Prasun Kumar Datta .. Ld. Addl. Public Prosecutor

Mr. Pradipta Ganguly .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and five months. It is further submitted that co-accused persons have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits that the vehicle used for the murder was recovered from the petitioner and he does not stand on the same footing with the co-accused persons who have been enlarged on bail. He further submits that prayer for bail of other accused persons have been turned down.

We have examined the statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. Vehicle was recovered in July, 2019. Subsequent thereto statements of witnesses disclosing the registration number of the vehicle were recorded. Their reliability may be assessed in the light of the aforesaid circumstance in the course of trial. Earlier statements recorded with regard to the identity of the vehicle are not specific. Petitioner was not named in the

FIR and as co-accused persons have been enlarged on bail, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Eliyas Sk.***, be released on bail upon furnishing a 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, Murshidabad 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**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)