

22.12.2020
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Sdas
allowed

**CRM 10616 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 253 of 2020 dated 10.09.2020 under Sections 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the E.S. Act.

And

In Re : Ajgar Sk petitioner

Mr. Sagnik Mukherjee

.....for the petitioner

Mr. Rudradipta Nandy

..... for the State

Petitioner prays for bail.

Learned Counsel appearing for the petitioner submits that the petitioner is in custody since 12th September, 2020. It is further submitted that the petitioner did not play any role in the alleged crime.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the statements of the witnesses including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. While one of the witnesses has identified the petitioner as member of the unlawful assembly who had common object to murder the victim, two other witnesses failed to name the petitioner.

In view of extent of complicity of the petitioner in the alleged crime including period of detention suffered by him, we are inclined in granting bail to the petitioner.

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 Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman, subject to the condition that the petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)