

15.03.2021

Item No.28

Ct.No.28

dc.

Allowed

C.R.M. 786 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Sk Ramjan alias Fate**

... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

... For the Petitioner.

Mr. Soumik Ganguly

... For the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Beniapukur P.S. Case No. 276 of 2020 dated 14.07.2020 under Sections 399/402 of the Indian Penal Code read with Section 25(1B)(a) of the Arms Act and Section 5 of the Explosive Substance Act.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 228 days and other accused persons, who are implicated in the instant case, have already been released on bail. The learned advocate further submits that although charge-sheet has been filed in connection with the instant case, but till date there has been no progress. As such, the petitioner may be released on bail on any stringent condition.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer for bail and submits that there were recoveries from the present petitioner and there are antecedents of the present petitioner in respect of similar nature of offence. There are also complaints that the associates of the present petitioner are threatening the witnesses.

We have considered the materials on record and we have found that so far as the merits of the present case is concerned, the petitioner is similarly placed with some of the accused persons who have been granted bail by the learned trial court. As such, petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Sk Ramjan alias Fate** shall 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 Additional Chief Judicial Magistrate, Sealdah and on further condition that while on bail, the petitioner shall stay outside the jurisdiction of metropolitan area of Kolkata, ACJM, Sealdah and CJM, Alipore and shall enter the said jurisdiction only for the purpose of attending the cases. The petitioner shall also report to the Officer-in-Charge of the concerned Police Station where he would be residing once a week until further orders.

With the aforesaid observations, the application for bail, being CRM 786 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)