

24.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-19
nandy/seth

CRM 1857 of 2021

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 15.02.2021 in connection with Kharagpur G.R.P.S. Police Station Case No. 91 of 2016 dated 17.05.2016 under Sections 395/397/412/120B of the Indian Penal Code and under Sections 25(i)(a)/27/35 of the Arms Act. (Sessions Case No. 7 (12) of 2016).

and

In the matter of: **Alauddin Khan**

..... Petitioner

Mr. Ramashis Mukherjee, Advocate

.....for the Petitioner

Mr. Neguive Ahmed, Advocate

Mr. Md. Anwar Hossain, Advocate

Ms. Sreyashee Biswas, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Kharagpur G.R.P.S. Police Station Case No. 91 of 2016 dated 17.05.2016 under Sections 395/397/412/120B of the Indian Penal Code and under Sections 25(i)(a)/27/35 of the Arms Act.

Learned Advocate for the petitioner submits that petitioner is in custody for more than four years eight months. It is further submitted that the co-accused has already been granted bail by a coordinate Bench of this Court and, therefore, the petitioner stands on the same footing, should also be treated equally.

Learned Advocate for the State opposes the prayer for bail. It is submitted that substantial amount of money was recovered from the exclusive possession of the petitioner and he was also identified in Test Identification Parade. However, the learned Advocate for the State in his fairness submits that the petitioner stands on the same footing that of the other co-accused who was also identified in T.I. Parade and money was

also recovered from his possession.

After hearing the respective counsel and in view of the fact that the co-accused who stands on the same footing that of the petitioner, had already been granted bail, we do not find any justification in refusing bail to the petitioner.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner (**Alauddin Khan**) is 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, Paschim Medinipur subject to condition that the said petitioner shall appear before the trial Court on every date of hearing until further order and shall not intimidate witnesses 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 any reference to this Court.

The application being **CRM 1857 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)