

06. 12.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 2024 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **22/02/2021** in connection with **Palashipara Police Station Case No. 248/2020** dated **08/09/2020** under Sections **448/326A/307/34** with added Section **302** of the Indian Penal Code.
And

In the matter of: - **Jahangir Sk.**

....petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Somnath Banerjee,
Mr. Subrata Ghose,
Ms. Monira Begum,
Mr. Pronojit Roy

...for the petitioner.

Ms. Zareen N. Khan,
Ms. Mayukhi Mitra

...for the State.

It is alleged that the petitioner facilitated procuring of acid, which was thrown on the victim who suffered injuries to which she succumbed in hospital later. The petitioner has been in custody for 307 days. Charge-sheet has been filed.

Learned Senior Counsel for the petitioner submits that charge under Section 302 of the Indian Penal Code has been added subsequently and he prays for leave of the Court to correct the cause title. Accordingly, leave is granted to the petitioner's learned Advocate-on-record to correct the cause title.

We have seen the material in the Case Diary. The father and the daughter of the victim were both examined twice. On the first occasion, neither of them implicated the petitioner. On the second occasion, both of them named the petitioner as the person who organized the supply of acid.

Having considered the material on record and the extent of complicity of the petitioner in the alleged offence and also, since charge-sheet has already been filed, we are inclined to allow the petitioner's prayer for bail, though on stringent conditions.

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 learned Additional Chief Judicial Magistrate, Tehatta, Nadia, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being C.R.M. 2024 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)