

18.03.2021.

Item No.5

(Allowed)

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C.R.M. 2414 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 3rd March 2021 in connection with Chapra P.S. Case No. 365 of 2019 dated 19.11.2019 under Sections 326/307/302/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act;

And

In the matter of : **Khorshed Sk. and another.**

... petitioners.

Mr. Soubhik Mitter,
Mr. Litan Maitra,
Ms. Ranjnandini Das.

...For the petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.

...For the State.

The Advocate-on-Record of the petitioners 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.

This is an application for bail in connection with Chapra P.S. Case No. 365 of 2019 under Sections 326/307/302/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act at the behest of the petitioner.

The learned Advocate for the petitioners submits that the petitioners have been falsely implicated in the instant case and at least they are similarly placed with other accused persons who have been granted bail by this Court. To that effect, learned Advocate relies upon CRM 925 of 2021 and draws attention of this Court to the observation made in respect of one Ayub Sk. He further submits that on any stringent grounds the petitioners may be released on bail.

Mr. Madhusudan Sur, learned Advocate for the State, submits that the petitioners were absconding for a considerable period of time and very recently they have surrendered to the custody of the court. Having regard to the complicity, learned Advocate submits that they may not be released on bail.

We considered the materials in the case diary, more particularly, the statement of the witnesses under Section 164 of the Code of Criminal Procedure, which has been referred to by the learned Advocate for the State.

Having regard to the nature of allegations in the said statement, which describes the role of the petitioners, we are of the opinion that the petitioners are similarly placed with other accused persons who have been granted bail by this Court. We are, therefore, inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia and on further condition that the petitioners shall attend the trial court on the date specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is also made clear that in the event the petitioners violate any of the conditions without any justifiable reasons, the learned trial court would be at liberty to cancel the petitioners' bail without further reference to this Court.

The application being CRM 2414 of 2021 is **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)