

25. 03.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 2653 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **12.03.2021** in connection with **Jagaddal Police Station Case No. 472 of 2017** dated **09/05/2017** under Sections **302/34** of the Indian Penal Code read with Sections **25 (1-B) (a)/27** of the Arms Act.

And

In the matter of: - **Babu Sona Sardar**

....petitioner.

Ms. Minoti Gomes,
Mr. Dhananjay Banerjee,
Ms. Oindrila Ghosh, (through V.C.)
Ms. Roma Roy (through V.C.)

...for the petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Mr. Anwar Hossain,
Mrs. Amita Gaur

...for the State.

The petitioner has been charged with offence punishable under Section 302 of the Indian Penal Code besides other offences. It is submitted on behalf of the petitioner that he stands on the same footing as two other co-accused persons who have been granted bail by a co-ordinate Bench of this Court earlier. The petitioner is not the principal assailant and did not fire at the victim.

Learned Counsel for the State opposes the prayer for bail and referring to the Case Diary, submits that an improvised firearm was recovered from the petitioner.

We have considered the material on record. Whether or not the firearm recovered from the petitioner has any nexus with the alleged offence, shall be considered at the appropriate stage of the proceedings. It appears from the observation of the co-

ordinate Bench of this Court *vide* order dated January 27, 2020 in C.R.M. 938 of 2020 that the petitioner is not the principal assailant. Almost similarly circumstanced co-accused persons have been granted bail earlier. It is reported that charge-sheet has been submitted upon completion of investigation.

Having considered the material available in the Case Diary as well as the facts and circumstances of the case and also in view of the period of detention suffered by the petitioner, i.e., four years and 82 days, we are inclined to grant 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 learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas 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 in a 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. 2653 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.)