

02.07.2021

Court No.28
Item No.88

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&
saswata

CRM 2993 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 24.03.2021 in connection with Jalangi Police Station Case No. 241 of 2020 dated 14.06.2020 under Sections 447/325/326/307/302/34 of the Indian Penal Code.

And

In the matter of : **Kajem Sk. @ Kajemuddin Sk.**
...Petitioner

Mr. Jisan Iqubal Hossain

...For the Petitioner

Mr. Binoy Panda
Mrs. Pushpita Saha

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 241 of 2020 under Sections 447/325/326/307/302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that he is in custody for last 117 days. Charge-sheet in this case has already been submitted and the co-accused persons similarly circumstanced with that of the instant petitioner has already been released on bail. The petitioner, by filing this instant petition has made a renewal of his prayer after it was rejected earlier claiming parity.

Learned Advocate for the State raises objection against the prayer for bail submitting that the offence was committed as per direction of the present petitioner, who took the leading role and under his instructions, the occurrence was held leading to the death of the deceased.

Our attention is drawn to the order dated 22nd February, 2021 passed in CRM 483 of 2021 granting bail to Naksed Sk. @ Mokshed Sk. The person already on bail, appears to be standing on same footing with that of the present petitioner. That being the position, we are not inclined to discriminate the present petitioner refusing his prayer for bail. The extent of role of petitioner in the alleged crime may be best decided in trial upon seeing the quality of evidence of adduced.

Accordingly, upon consideration of long incarceration of petitioner and since there is little possibility of conclusion of the trial immediately, prayer for bail of the petitioner is considered and allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore at Murshidabad and on further condition that the petitioner shall be present before the learned trial Court on each date of trial and that the petitioner shall also reside outside the jurisdiction of the Jalangi Police Station, save and except on the dates fixed for hearing before the learned trial Court, and shall inform the address where he would be residing to the Officer-in-Charge of the concerned Police Station, and he will also meet the Officer-in-Charge of the concerned Police Station once in a week until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 2993 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)