

31.08.2021
Item no. 36
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 3137 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.04.2021 in connection with Khejuri Police Station Case No. 205 of 2018 dated 17.10.2018 under Sections 302/326/506/307/34 of the Indian Penal Code.

And

In the matter of : Sk. Jakir Ali.

.....Petitioner.

Mr. Mrityunjoy Chatterjee, Advocate,
Mr. Indrajit Chatterjee, Advocate,

.....for the Petitioner.

Mr. N. Ahmed, Advocate,
Md. Anwar Hossain, Advocate,
Ms. Amita Gaur, Advocate,

.....for the State.

The charge is one of murder. The allegation is that the petitioner and other accused persons went to a shop. There was a quarrel between the shopkeeper and such persons. The accused persons assaulted the shopkeeper who succumbed to the injury subsequently.

The petitioner says that the principal assailant who actually inflicted knife injury on the victim was Sk. Arif. He is in custody. The other accused persons have all been granted bail either by the learned Trial Court or by this Court. The petitioner refers to an order of this Court passed

on November 13, 2019 in CRM 10090 of 2019 whereby one of the co-accused persons was granted bail. The petitioner says that he stands on the same footing as the person who was granted bail by this Court and also the persons who were granted bail by the learned Court below. This, in all fairness, is not disputed on behalf of the State.

Having considered the material in the case diary and the possible extent of complicity of the petitioner in the commission of the alleged offence and also the fact that similarly circumstanced persons have been granted bail, we are inclined to allow the petitioner's prayer.

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 the learned Additional Chief Judicial Magistrate, Contai and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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 is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)