

(Via Video Conference)

CRM 4131 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chitpore Police Station** Case No. **11 of 2021** dated **23.01.2021** under Sections **302/34** of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

- A n d -

In the matter of : Sahid Hussain & Anr.

.... Petitioners.

Mr. Arindam Jana,
Mr. A. Mukherjee,

... For the Petitioners.

Mr. N. Ahmed, Ld. APP
Mr. A. Gour,
Mr. T. Mitra,

... For the State.

Mr. S. Lahiri,

... for the defacto complainant.

The petitioners are two out of several accused persons. The charge is under Sections 302/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act, 1959.

The petitioners say that they have no role to play in the alleged murder of the victim.

The petitioner no. 1 is a neighbour of the brothers of the principal accused. The petitioner no. 2 is an auto-rickshaw driver. The mobile phone of the petitioner no. 1 has been seized. The auto-rickshaw of the petitioner no. 2 has also been seized. The allegation is that the petitioner no. 1 accompanied the principal accused to the place of occurrence and was one of the assailants. The petitioner no. 2

apparently carried the accused persons to the place of occurrence.

We have seen the material in the case diary. The statements of witnesses do not directly implicate these petitioners. We also find that a co-accused, who was identified in the T.I. Parade, has been granted bail by a coordinate Bench by an order dated June 3, 2021 passed in CRM 3081 of 2021. The petitioners herein were also identified in the T.I. Parade and even otherwise stand on the same footing as the accused person who has been granted bail.

On an overall consideration of the material on record and considering the fact that an accused person, similarly circumstanced as the present petitioners, has been enlarged on bail by this Court, we are inclined to allow the prayer of the petitioners for bail.

Accordingly, we direct that 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 Additional Chief Judicial Magistrate, Sealdah and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)