

25.08.2021

CRM 4225 of 2021

court no. : 28
item no. : PB-06
matter : 439
status : ALLOWED
transcriber : nandy

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 27.06.2021 in connection with Chapra Police Station Case No. 142 of 2020 dated 27.04.2020 under Sections 302/34 of the Indian Penal Code read with Sections 3/ 4 of the Explosive Substances Act.

and

In the matter of: **Inchan Sk. & Anr.**

..... Petitioners

Mr. Prabir Majumdar, Advocate

..... for the Petitioners

Mr. Neguive Ahmed, Advocate

Mr. Md. Anwar Hossain, Advocate

Ms. Trina Mitra, Advocate

..... for the State

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.

The petitioners have filed the instant application for bail in connection with Chapra Police Station Case No. 142 of 2020 dated 27.04.2020 under Sections 302/34 of the Indian Penal Code read with Sections 3/ 4 of the Explosive Substances Act.

Seventeen persons were charge-sheeted as accused in the charge-sheet submitted by the Investigating Officer. At the time of filing the instant application, fourteen accused persons were enlarged on bail and we are told by the learned Advocate of the petitioners that yesterday another accused person has been enlarged on bail. The present petitioners are the left out accused persons who are languishing in jail for nearly 209 days.

Mr. Ahmed, learned Advocate for the State, is very much

vocal in his submission that these persons were keeping themselves away from the clutches of the Investigating Officer for a pretty long time and after realizing that other accused persons have enlarged on bail and charge-sheet has been filed, they voluntarily surrendered.

We have considered the submissions advanced by the respective Counsel and have the privilege of perusing the statement recorded under Section 164 of the Code of Criminal Procedure. It appears that the allegation is omnibus in nature attributable to the conduct of all the accused named therein and there is no specific role disclosed against the present petitioners. Even the name of petitioner no. 2 has not been disclosed by the witnesses. Since other co-accused persons who stand on the same pedestal as of the present petitioners, have already enlarged on bail, we do not find any justification in not extending the same relief to the present petitioners.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioners, namely **Inchan Sk. & Saker Sk.**, shall be released on bail on the following conditions:-

- i) The petitioners shall furnish a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia;
- ii) The petitioners shall make themselves available on each and every date so fixed by the trial Court;
- iii) The petitioners shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;

- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioners the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 4225 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)