

CRM 4328 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.

- A n d -

In the matter of : Md. Ali

.... Petitioner.

Mr. S. Basu, Sr. Adv.
Mr. A. Jana,
Mr. A. Mukherjee,

... For the Petitioner.

Mr. S. Ghosh,
Mr. A. K. Datta,

... For the State.

Mr. M. Hossain,
Mr. S. Lahiri,
Mr. P. Sarkar,
Mr. S. Azam,

... for the defacto complainant.

Mr. J. Ganguly,

... for the Intervenor.

The petitioner is one of several accused persons. The charge is of murder.

Apparently the petitioner and other persons went to the matrimonial house of the petitioner's sister to resolve certain disputes between his sister and her husband. Certain altercations took place. Several other people joined. The victim succumbed to a gunshot injury. It is *prima facie* fairly clear that the shot was fired by one Imran. The petitioner along with other accused persons were present at the spot. Some of those accused persons have been granted bail by this Court, last by an order dated August 19, 2021 passed in CRM 4131 of 2021.

On an assessment of the material on record including the statements of witnesses, it *prima facie* appears that the present petitioner stands on the same footing as the other accused persons who have been enlarged on bail by this Court.

The petitioner has been in custody for about six months. Trial is yet to commence. It is anybody's guess as to when the trial will conclude.

On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioner in the alleged offence as also since it appears that the petitioner is similarly circumstanced as other accused persons who have been enlarged on bail, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Md. Ali** 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, Sealdah and on further conditions that he 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 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.)