

10. 26.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4353 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **28/06/2021** in connection with **Asansol (North) Police Station Case No. 46 of 2021** dated **11/02/2021** under Sections **341/324/326/307/395/511/427/302/120B** of the Indian Penal Code read with Sections **25/27/35** of the Arms Act. **Charge-sheet No.90 of 2021** dated **13/05/2021** under Sections **341/324/326/307/396/427/120B** of the Indian Penal Code.

And

In the matter of: - **Aftab Khan**

....petitioner.

Md. Sabir Ahmed,
Mr. U. Chakraborty

...for the petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

The charge is under various Sections of the Indian Penal Code including Sections 307/396. The allegation is that the petitioner and his associates committed dacoity. When the money from a store of a well-known chain was being taken to the bank, the vehicle was intercepted, fire was opened by the accused persons, the driver of the vehicle died.

We have considered the material in the Case Diary including statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. None of the statements directly incriminate the petitioner insofar as the alleged offence is concerned. At the most what transpires *prima facie* is that the petitioner might have lent his motor bike to one of his relatives, who is one of the accused persons.

Charge-sheet has been submitted. The petitioner is in custody for about 200 days. Considering *prima facie*, the material in the Case Diary and the nature of the allegation as also the possible extent of complicity of the petitioner in the alleged offence, we are of the view that further custodial detention of the petitioner is not necessary.

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 learned Chief Judicial Magistrate, Paschim Bardhaman, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 4353 of 2021 is, accordingly, disposed of.

Needless to say that the observations made in this order are only for the purpose of disposing of the bail application and shall have no bearing on the final trial.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)