

24.09.2021

CRM 4620 of 2021

Court No.28
Item No.19
(Allowed)

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In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Joynagar Police Station Case No. 945 of 2018 dated 28.09.2018 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act. (Sessions Case No. 262 of 2019);

And

In the matter of : **Hachina Sekh & Ors.**

...Petitioners.

**Mr. Uday Sankar Chatterjee,
Mr. Santanu Maji,
Ms. Snigdha Saha,
Mr. Pranay Basak.**

...For the Petitioners.

**Mr. N. Ahmed,
Ms. Amita Gaur.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Joynagar Police Station Case No. 945 of 2018 dated 28.09.2018 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Three persons have jointly filed the instant application for bail. The petitioner nos. 2 and 3 have been arraigned in such position despite the fact that their application for bail was rejected by this Court in the month of March, 2021. By a clever draftsmanship the arrangement of the petitioners are made in such fashion that the role of the first petitioner being negligible in the commission of offence is projected afront in such manner that other petitioners may also get the benefit of the order.

However, Mr. Chatterjee engaged to move the matter in his usual fairness indicated such fact and we are made aware that the petitioner nos. 2 and 3 stand on different footing than the petitioner no. 1.

There is a categorical finding recorded in an earlier order of rejection of the application for bail so far as the petitioner nos. 2 and 3 are concerned that the offending weapon was recovered from the

leading statement from their possession.

We thus do not find any changed circumstances so far as it relates to petitioner nos. 2 and 3, namely Shayed Ali Laskar @ Sahid and Sahabuddiin Molla are concerned and, accordingly, their prayer for bail is rejected.

Learned Advocate appearing for the State fairly submits that there is no material found against the petitioner no. 1 nor any role can be ascribed to the commission of offence.

In view of the above we allow the prayer for bail of the petitioner no. 1.

Accordingly, the petitioner no. 1, **Hachina Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, 24 Parganas (South), subject to the condition that the petitioner shall make herself available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle her to the privilege of bail granted by this Court without further reference to this Court.

The application for bail being **CRM 4620 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)