

CRM 5217 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panskura Police Station Case No.236 of 2021 dated 31-05-2021 under Sections 147/149/323/325/307/354B/279/302/506/34 of the Indian Penal Code and Section 51B of the N.D.M. Act.

- A n d -

In the matter of : Syed Serajul Islam & Ors.

.... Petitioners.

Mr. Md. Sabir Ahmed,
Mr. Bhaskar Hutait

... For the Petitioners.

Mr. Rudradipta Nandy

... For the State.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Ms. Amrita Chel,
Mr. Anamitra Banerjee

... For the defacto complainant.

Leave is granted to learned advocate for the petitioners to correct the cause title of the petition.

The petitioners say that similarly circumstanced accused persons have been granted bail by this Court on September 30, 2021 in CRM 4914 of 2021. They pray for bail.

The State opposes the prayer. It is pointed out that Charge Sheet has been submitted against petitioner nos.1 and 7 under Section 302 of the Indian Penal Code. The petitioner nos.5 and 6 have been named by eyewitnesses.

The petitioners say that they are in custody for about 127 days.

We have seen the material in the Case Diary including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure.

On an overall assessment of the material on record, we are not inclined to allow the prayer of the petitioner nos.1 and 7 for bail. This application is dismissed insofar as the petitioner nos.1 and 7 are concerned.

Insofar as the other petitioners are concerned, considering the nature of allegations against them and the possible extent of their complicity in the alleged offence, we are of the view that the prayer of the petitioner nos.2, 3, 4, 5, 6 and 8 for bail may be allowed.

Accordingly, we direct that the petitioner nos.2, 3, 4, 5, 6 and 8, respectively namely, **Syed Jainuddin Ali, Jahanara Bibi, Samsunnehar Bibi, Alema Bibi, Sk. Sattar Ali @ Sk. Sattar and Syed Meheubub Ali**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Purba Medinipur. The petitioner nos.2, 3, 4, 5, 6 and 8 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. The petitioner nos.2, 3, 4, 5, 6 and 8 shall remain outside the jurisdiction of Panskura Police Station and shall furnish their addresses where they would be residing during this period to the Officer-in-Charge, Panskura Police Station until further orders. The petitioner nos.2, 6 and 8 shall report to the Officer-in-Charge, Panskura Police Station once in every fortnight until further orders.

In the event the petitioner nos.2, 3, 4, 5, 6 and 8 fail to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM 5217 of 2021 is,
thus, **disposed of**.

All parties shall act on the server copies of this order
duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**