

06.09.2021

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Ct. No. 29
sdas
Allowed

**C.R.M. 5605 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 253 of 2020 dated 10.09.2020 under Sections 302/120B of the Indian Penal Code and under Sections 3/4 of the Explosive Substances Act and under Sections 25/27 of the Arms Act.

And

In Re : Togai @ Rafikul Islam Sk. @ Rafikul Sk. petitioner

Mr. Siddhartha Sankar Mandal
.....for the petitioner

Mr. Rudradipta Nandy
....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of at least two other co-accused persons who were granted bail by a Co-ordinate Bench. He draws the attention of the Court to the orders dated December 22, 2020 passed in CRM 10616 of 2020 (in the case of Ajgar Sk.) and the order dated June 03, 2021 passed in CRM 3705 of 2021 (in the case of Motiar Rahaman @ Moti Sk. & Anr.).

Learned advocate appearing for the State submits that the petitioner was named in one of the statements recorded under Section 164 of the Code of Criminal Procedure, so also the other two accused persons.

In such circumstances, since the petitioner was named in the statements recorded under Section 164 of the Code of Criminal Procedure along with two others who were granted bail by the orders dated December 22, 2020 and June 03, 2021, we are inclined to grant bail to the petitioner.

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 the learned Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

