

02.12.2021
Court No.32
Item No. 01
Krishnendu
Bail Granted

**C.R.M. 5948 of 2021
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : In Re : **Md. Raja @ Yahya**

Petitioner

Mr. Arindam Jana

Mr. Akashdeep Mukherjee

For the Petitioner

Mr. N. Ahmed

Mrs. Amita Gaur

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chitpore P.S. Case No. 11 of 2021 dated 23.01.2021 under sections 302/34 of the Indian Penal Code, 1860 read with sections 25(1B)(a)/27 of the Arms Act, 1959;

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No overt act has been attributed to the petitioner. Co-accused persons, similarly situated with the petitioner, have already been granted bail and as such on the ground of parity, the petitioner may be enlarged on bail on any stringent condition, more so when he has already suffered incarceration for about 252 days and there is also no possibility towards conclusion of the trial in the near future.

The learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates appearing for the respective parties and perused the orders granting bail to other co-accused persons and, *prima facie*, it appears that the petitioner is similarly situated with other co-accused persons, who have already been granted bail. Considering the nature of allegations and the period of detention, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that the petitioner, namely, **Md. Raja @ Yahya**, shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah on conditions that the petitioner shall reside within the jurisdiction of Golabari Police Station and shall meet with the Officer-in-Charge of Golabari Police Station once a fortnight on and from 6th December, 2021 until further orders.

It is further directed that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.5948 of 2021, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)