

09.12.2021
cm/ct 28
sl no. 114

C.R.M. 5947 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chitpore P.S Case No. 11 of 2021 dated 23.01.2021 under Section 302/34 of the Indian Penal Code, 1860 read with Section 25(1B) (a)/27 of the Arms Act, 1959.

And

Allowed

In Re : Mehtab Alam

..... petitioner

Mr. Arindam Jana
Mr. Akashdeep Mukherjee
Mr. Pritam Chatterjee

..... for the petitioner

Mr. Nguive Ahmed, APP
Ms. Trina Mitra

..... for the State

He is in custody for 321 days. It is submitted on behalf of the petitioner that he is not the principal accused and co-accuseds have been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail. He submits offending weapon was recovered from the petitioner.

We have considered the materials on record. A gun was seized from the petitioner. However, no expert report is placed before us to show that it was used for the commission of the offence. Petitioner does not appear to be principal accused. In view of the aforesaid facts and period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM, Sealdah on condition that the petitioner shall appear before

the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 5947 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)