

25.11.2021
Serial no. 590
Dd

(Through Video Conference)

CRM 7550 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Patrasayer** Police Station Case No. **52 of 2020** dated **11.05.2020** under **Sections 302/34** of the Indian Penal Code.

-And-

In the matter of : Gajan Karmakar @ Lohar & Anr.
... ..**Petitioners**

Mr. Soumik Ganguli, Advocate
... .. For the Petitioners

Mr. Rana Mukherjee, Id. APP
Ms. Sujata Das,
Ms. Debjani Sahu, Advocates
... ..For the State

Petitioners renew the prayer for bail.

Learned advocate appearing for the petitioners submits that considering the period of detention of the petitioners and considering the fact that charges are yet to be framed although police filed charge sheet, the Court should grant the prayer for bail. He submits that two petitioners stand on different footing. The complicity of the two petitioners are different with regard to the incident concerned.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code.

Considering the statements recorded under Section 164 of the Criminal Procedure Code, we are of the prima facie view that the two petitioners stand on different footing. Considering the complicity of the petitioner no. 1

in the incident, we are not inclined to grant bail to the petitioner no. 1, Gajan Karmakar @ Lohar. So far as the petitioner no. 2 is concerned, considering his complicity in the incident as appearing from the statement under Section 164 of the Criminal Procedure Code, and considering his period of detention, we are inclined to grant bail to the petitioner no. 2, Swarup Lohar.

Accordingly, we direct that the petitioner no. 2 shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Bishnupur subject to condition that the petitioner no. 2 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner no. 2 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner no. 2 in accordance with law without further reference to this Court.

The prayer for bail of petitioner no. 2 is **allowed** and prayer for bail of petitioner no. 1 is **rejected**.

CRM 7550 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)