

20.12.2021
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allowed

**CRM 8444 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ausgram Police Station Case No. 283 of 2021 dated 08.09.2021 under Sections 302/307/120(b) of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Ayub Khan @ Bumba petitioner

Mr. Jisan Iqubal Hossain

.....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 99 days. Investigation is complete. It is further submitted that the petitioner is not the principal accused.

Learned Counsel appearing for the State opposes prayer for bail and submits that the petitioner conspired with the principal accused to murder the victim.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as there is slender evidence connecting the petitioner with the alleged crime, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, 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.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)