

23.02.2021
Court No.28
Item No. 04
Krishnendu
Bail Granted

**C.R.M.10924 of 2020
(Via video Conference)**

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

And

In Re : **Gora Sha @ Saha @ Sahil**

Petitioner

Mr. Anand Keshri

Mr. Sekhar Mukherjee

For the Petitioner

Mr. Saibal Bapuli, Id. A.P.P.

Mrs. Sayanti Santra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Contai Police Station Case No. 46 of 2019 dated 12.02.2019 under sections 395/397/412 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for one year eleven months and similarly placed accused persons have been released on bail by a co-ordinate Bench of this Court. The learned advocate to that effect relies upon the orders of this Court in CRM 10067 of 2020, CRM 10397 of 2020 and CRM 7274 of 2020. Additionally, the learned advocate submits that on any stringent condition, the petitioner may be released on bail.

The learned advocate appearing for the State opposes the prayer for bail of the petitioner and draws the attention of this Court to three seizure lists. The learned advocate also addresses this Court to the issue that apart from the materials, which were

recovered from the possession of the petitioner, fire arm, which was used for commission of the offence, was also recovered from the house of the present petitioner.

We have perused the materials on record, including the statements of the witnesses and we find that so far as the recovery of the materials are concerned, the names of rest of the accused persons are also appearing in the seizure lists, which were effected in the last week of February, 2019. Having regard to the *locus standi* of the present petitioner in comparison with the other accused persons, who have been granted bail, we are of the opinion that the present petitioner is similarly placed as those accused persons, who have been granted bail by a co-ordinate Bench of this Court. As such, the prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, namely **Gora Sha @ Saha @ Sahil**, shall be released on bail upon furnishing a bond of `10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur subject to condition that during bail, the petitioner shall appear before the learned trial court on every date of hearing and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall remain within the jurisdiction of Contai Police Station, except for attending the Court proceedings and shall provide his address to the Officer-in-Charge of the concerned Police Station and report to him once in a week until further orders.

In the event the petitioner fails to comply with the conditions, as enshrined hereinbefore, it is open to the learned trial court to cancel the bail without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 10924 of 2020, is disposed of.

(Tirthankar Ghosh, J)
Chakraborty, J)

(Tapabrata