

07.01.2021

Item no. 1

Ct.5

CHC

Allowed

C.R.M. No.11279 of 2020

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 365 of 2019 dated 19.11.2019 under Sections 326/307/302/34 of the Indian Penal Code and Sections 3/ 4 of the Explosive Substances Act.

And

In the matter of:-

Saheb Sk & ors.

... Petitioners

Mr. Soubhik Mitter,
Ms. Aindrila De

.. for the petitioners

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

..for the State

This relates to prayer for bail.

Learned advocate, Mr. Mitter for the petitioners renews the prayer for bail after it was last rejected on 1st December, 2020 in connection with C.R.M.9377 of 2020 on the ground of change in the circumstances after copies were supplied to the petitioners, taking the ground of long incarceration of above 350 days together with a further ground of making expression of different opinion in

respect of political ideology of same party leading to an infight amongst two group members of a party.

It is further submitted that over the selfsame incident, the petitioners group already instituted a counter case being Chapra Police Station Case No.364 dated 18th November, 2019 under Sections 452/325/307/506/34 of the Indian Penal Code read with Sections 3 and 4 of the Explosive Substances Act. Some of the accused persons in the counter case are submitted to be enjoying bail at this moment.

Learned Additional Public Prosecutor, Mr. Sanjib Kumar Dan raises objection against the prayer for bail referring the statement of the witness recorded under Section 164 Cr.P.C. shown in page 52 together with other materials available in the C.D. and the Post Mortem Report.

The deceased victim suffered death receiving bomb injuries. The incident is the outcome of an infight of a political party between two groups. The occurrence gave rise to the institution of a case and counter case. Charge-sheet has already been submitted in this case.

Having considered the materials already collected in the C.D. in context with the submissions of both sides and bearing in mind the existence of a case and counter case, that too originated consequent upon the infight of a political party between two groups and further period of detention already undergone, we are persuaded to grant bail to petitioners.

Accordingly, petitioners (Saheb Sk, Haydar Sk and Asraf Sk. @ Gharami @ Asraf Sk. Gharami) may find bail of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties of Rs.10,000/- each, one of whom must be local subject to the satisfaction of learned Chief Judicial Magistrate, Krishnagar, Nadia and on condition that petitioners shall ensure their presence on each date of hearing and will not intimidate the witnesses in any manner whatsoever and further that they will not tamper the evidence already collected until further order.

This Court makes it clear that in the event of making any departure as regards making observance of the conditions of bail, the trial court shall be free to go for cancellation of the bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 11279 of 2020** stands **disposed of.**

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)

