

11.04.2022
Serial no. 104
Aloke
Ct. No. 29

CRM (DB) 222 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.01.2022 in connection with Kaliganj P.S. Case No. 287 of 2021 dated 30.05.2021 under Sections 341/326/307/34 of the Indian Penal Code and Sections 25/27 Arms Act.

-And-

In the matter of : Kalam Shikari & Ors.

... ..Petitioners

Mr. Kallol Mondal, Advocate
Mr. Amanul Ismal, Advocate
Mr. Krishan Roy, Advocate
Mr. Sourav Mukherjee, Advocate
Mr. Souvik Das, Advocate

... .. For the Petitioners

Ms. Anasuya Sinha, Advocate
Mr. Pinak Kr. Mitra, Advocate

... ..For the State

Mr. Asraf Mondal, Advocate
Md. Bani Israil, Advocate
Ms. K. Gupta, Advocate

... .. For the de facto complainant

Petitioners prays for bail.

Learned Advocate appearing for the petitioners submits that the petitioners are in custody for 315 days. The police filed charge-sheet and, therefore, further detention of the petitioners is not required.

Learned Advocate appearing for the State draws the attention to the materials in the case diary, in particular, to the seizure list and to the statement of one of the injured eye witnesses recorded under Section 164 of the Code of Criminal Procedure.

One of the injured eye witnesses in a statement recorded under Section 164 of the Code of Criminal Procedure names the petitioner no. 3 as the person firing. The fire arm was seized from the petitioner no. 1.

In such circumstances, considering the involvement of the petitioners therein, we are unable to grant bail to the petitioner nos. 1 (Kalam Shikari) and 3 (Muktar Ahmed Shikari @ Moktar Shikari).

However, so far as the petitioner nos. 2 and 4 are concerned, considering the period of detention of the petitioner nos. 2 and 4 and the fact that the police filed charge-sheet, we are inclined to grant bail to the petitioner nos. 2 (Ashabuddin Shikari) and 4 (Mostak Shikari @ Mustak Ahmed Shikari).

Accordingly, we direct that the petitioner nos. 2 (Ashabuddin Shikari) and 4 (Mostak Shikari @ Mustak Ahmed Shikari) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, Krishnanagar, subject to condition that petitioners 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 nos. 2 (Ashabuddin Shikari) and 4 (Mostak Shikari @ Mustak Ahmed Shikari) fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner nos. 2 (Ashabuddin Shikari) and 4 (Mostak Shikari @ Mustak Ahmed Shikari) in accordance with law without further reference to this Court.

The prayer for bail is partly allowed.

CRM (DB) 222 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)