

06.06.2022

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Allowed

CRM (DB) 1314 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh P. S. Case No. 548 of 2020 dated 05.10.2020 under Sections 302/120B/34/212/201 of the Indian Penal Code read with Sections 25/27 of Arms Act.

And

In Re : Pawan Kumar Ray petitioner

Mr. Rana Mukherjee
Ms. Devipriya Mitra
Ms. Sangeeta Roy
Mr. Chandra Prakash

.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

....for the State

Petitioner is in custody for 500 days.

It is submitted by the learned Counsel appearing for the petitioner that he is no way connected with the alleged murder. No firearm was recovered from his possession.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner was a conspirator and had supplied arms to one of the co-accused persons namely Subodh Ray.

We have considered the materials on record. Statements of the witnesses show the petitioner is not one of the principal assailants. With regard to the charge of conspiracy, though statement of Pankaj Kumar Ray gives an impression petitioner supplied arms to Subodh Ray, there is

nothing on record to show that the aforesaid arms were used for the purpose of committing the murder.

In view of the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Second Court, Barrackpore, North 24-Parganas, on further conditions that while on bail he shall remain within the jurisdiction of North 24-Parganas until further orders except for attending court purposes and shall provide address where he shall presently reside to the investigating officer as well as court below. He shall also report to the Officer in Charge of Titagarh Police Station once in a month until further orders. 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

