

13.06.2022
tkm/ct 28
sl no. 53

C.R.M. (DB) 1601 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalna P.S case no. 963 of 2019 dated 7.12.2019 under section 302/34 IPC and 25/27 of the Arms Act
And

Allowed

In Re : Ashok Khetrapal @ Gera petitioner

Mr. Sourav Chatterjee
Mr. S Das Mahapatra
Mr. D Banerjee

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

..... for the State

Petitioner is in custody for more than 2½ years. It is contended that he was not named in the FIR. Subsequently his complicity has transpired. Co-accused Marafat Sk. and Ayub Nabi Sk. have been released on bail.

Learned lawyer for the State opposes the prayer for bail and submits the petitioner is the principal accused and offending weapon was recovered on his leading statement. He has criminal antecedents.

In reply, it is contended offending weapon was recovered on the purported joint statement of the petitioner and one Khokon. Said Khokon is on bail.

We have considered materials on record. Petitioner was not named in the FIR. During investigation, he was identified by one of the witnesses as a person who was present with co-accuseds at the place of occurrence. Co-accuseds namely, Marafat Sk. and Ayub Nabi Sk. have been released on bail. Another co-accused

Khokon on whose purported joint statement with the petitioner weapon of offence i.e gun was recovered, is also on bail.

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

Accordingly, the petitioner 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 ACJM, Kalna, Purba Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 1601 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)