

08.07.2022.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2177 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P. S. Case No.469 of 2022 dated 19.05.2022 under Sections 447/341/326/307/506/34 of the Indian Penal Code and Sections 25(1)(a)/27/35 of the Arms Act and Sections 3 / 4 of the E. S. Act.

In the matter of : Laxman Saha & Anr.

.... Petitioners.

Mr. Kamalesh Chandra Saha,
Ms. Payel Mitra.

...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arijit Ganguly,
Mr. Arani Bhattacharyya

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 50 days. It is submitted he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim suffered gun shot injury. Statements of witnesses do not show petitioner had fired the victim. 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, 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 Chief Judicial Magistrate, Barasat subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)