

11.07.2022
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allowed

CRM(DB) No. 2208 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No. 111 of 2022 dated 06.05.2022 under Sections 341/323/326/354/307/34 of the Indian Penal Code and Sections 25(1A)(1B)/27 of the Arms Act.

And

In Re : Ahidur Rahaman @ Ahidur Rahama petitioner

Mr. Asim Kumar Chakraborti

Mr. S. Barman

.....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

Mr. P. Ghosh

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is not the principal accused. He is in custody for 63 days. It is further contended that no recovery of firearm has been made from his possession.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the light of the submission that he is not the principal accused and no firearm was recovered from his possession and in view of period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten

Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur, subject to the condition that the petitioner 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 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)