

02.08.2022
cm/ct 28
sl no. 28

C.R.M. (DB) No.2567 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Canning P.S Case No. 494/2021** dated **21.11.2021** under Sections **302/379/34** of the Indian Penal Code and Section 25/27/35 of the Arms Act.

And

Allowed

In Re : Abu Zafar Gayen @ Abu Jafar Gayen
..... petitioner

Mr. Sahid Uddin Ahmed
Mr. Anupam Bera
..... for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Paramanick
..... for the State

Petitioner is in custody for 192 days. It is submitted he is not named in the First Information Report.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is not named in the First Information Report. Statements of witnesses also did not disclose his presence at the place of occurrence. Though ammunitions is recovered from his possession. co accuseds Panchu Sanfui and Malay Mondal @ Moloy Mondal who are similarly circumstanced with the petitioner has been enlarged on bail. Hence, we are inclined to grant the same privilege to the petitioner also.

Accordingly, the petitioner be released on bail upon furnishing bonds 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, Alipore, South 24-Parganas on further

condition that the petitioner 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 and on further condition that the petitioner while on bail , shall not enter the district of South 24-Parganas except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the investigating Agency as well as the court below and shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

In the event petitioner 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) No. 2567 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)