

18.08.2022
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allowed

CRM(DB) No. 2774 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur Police Station Case No. 672 of 2021 dated 07.09.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re : Anowar Ali @ Anowar petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
.....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Ms. Mousumi Sarkar
..... for the State

Learned Counsel for the petitioner submits he is in custody for 345 days. It is also submitted that the petitioner is not the principal accused. Co-accused has been enlarged on bail.

Learned Counsel appearing for the State opposes prayer for bail and submits offending vehicle was recovered from the possession of the petitioner.

We have considered materials on record. Petitioner is not the principal accused and co-accused is on bail. Keeping in mind the extent of complicity of the petitioner and in the light of the aforesaid circumstances, we are inclined in granting 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 Chief

Judicial Magistrate, Paschim Midnapore, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)