

18.08.2022
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allowed

CRM(DB) No. 2781 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 242 of 2022 dated 22.04.2022 under Sections 341/326/307/302/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act.

And

In Re : Jahangir Mollah @ Hossain petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Mr. Abdur Rakib
..... for defacto complainant

Learned Counsel for the petitioner submits he is in custody for 110 days. It is also submitted that petitioner is not named in the F.I.R. It is further submitted that the injured victims have also not implicated him.

Learned Counsel appearing for the State opposes prayer for bail and submits accused persons had brutally murdered one person and injured two others.

Learned Counsel appearing for defacto complainant submits petitioner was the mastermind who informed the accused persons that the victims would be travelling in a motor-cycle through the road where they were assaulted.

We have considered materials on record. Petitioner is not named in the F.I.R. Statements of injured witnesses also do not implicate him in the murder. Extent of complicity of the petitioner

as contended by defacto complainant requires to be assessed in the course of the trial. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioners, 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, Nadia at Krishnagar, 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 and on further conditions that the petitioner shall not enter into the jurisdiction of Kaliganj Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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.)