

28.09.2022
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allowed

CRM(DB) No. 2818 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Canning Police Station Case No. 494 of 2021 dated 21.11.2021 under Sections 302/120B/201/212 of the Indian Penal Code read with Sections 27/35 of the Arms Act.

And

In Re : Ejajul Gazi petitioner

Mr. Ayan Bhattacharya
Mr. Anand Keshari
Mr. Sekhar Mukherjee
Mr. Gourav Kumar

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Trina Mitra

..... for the State

Mr. Sabir Ahamed
Mr. Angshuman Chakraborty
Mr. S. S. Saha

..... for de facto complainant

Learned Counsel appearing for the petitioner submits he is in custody for 307 days. It is also submitted that co-accuseds are on bail.

Learned Counsel appearing for the State opposes prayer for bail.

Learned Counsel appearing for the de facto complainant submits vehicle used by the accuseds to commit the crime was recovered from the residence of the petitioner.

We have considered materials on record. Vehicle was allegedly recovered on the leading statement of the co-accuseds viz. Akbar Gazi and Akkaz Gazi who are on bail.

Keeping in mind the aforesaid fact and extent of complicity of the petitioner in the alleged crime and as there is little possibility of trial concluding in the near future, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)