

27.09.2022
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Partly Allowed

CRM (DB) No. 3255 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khargram Police Station Case No. 144 of 2020 dated 13.05.2020 under Sections 341/302/34 of the Indian Penal Code.

And

In Re : Kamrej Sarkar @ Kamu @ Milon @ Md. Kamrej Zamal & Anr.
..... petitioners

Mr. Sanjib Kumar Dan
Mr. Saryati Datta
Mr. Chitrak Biswas

..... for the petitioners

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous

.....for the de facto complainant

Ms. Zareen N. Khan
Mr. Ashok Das

....for the State

It is submitted by the learned Counsel appearing for the petitioners that the petitioner no. 1 is in custody for 289 days and petitioner no. 2 is in custody for 870 days. It is also contended that co-accused Subhash Sk. @ Subhas Sk. was enlarged on bail in CRM 4988 of 2021.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial has substantially progressed and is at its fag end.

We have considered the materials on record. Petitioner no. 1 stands on the same footing with Subhash Sk. @ Subhas Sk., who is on bail.

Under such circumstances, we are inclined to grant bail to the petitioner no. 1.

Accordingly, we direct that the petitioner no. 1 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad, subject to the condition that the petitioner no. 1 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 no. 1 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 no. 1 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 1 is concerned.

However, petitioner no. 2 is the principal offender. In view of the principal role played by petitioner no. 2 in the crime, we are not inclined to grant bail to him.

The application for bail in so far as petitioner no. 2 is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)