

29.09.2022
52
sdas
allowed

CRM(DB) No. 3365 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 385 of 2022 dated 15.05.2022 under Sections 447/342/363/365/506/323/120B/34 of the Indian Penal Code but subsequently charge-sheet submitted under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Sajahan petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Tapan Datta Gupta

Mr. Parvej Anam

.....for the petitioner

Mr. Swapan Banerjee

Mr. Anindya Sunder Chatterjee

..... for the State

Liberty is given to the learned Counsel appearing for the petitioner to correct the cause title.

Learned Counsel for the petitioner submits he is in custody for more than four months. He is not named in the F.I.R. It is also submitted that there is no legally admissible evidence connecting the petitioner with the crime. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Petitioner is not named as one of the abductors in the F.I.R. His complicity has transpired during investigation on the basis of the statements of the co-accuseds before police. No incriminating material was also recovered from the petitioner.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by the

petitioner, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

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 Additional Chief Judicial Magistrate, Chanchal, Malda, 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 while on bail petitioner shall remain within the jurisdiction of Harishchandrapur Police Station and report to the officer-in-charge of the concerned police station 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)