

30.09.2022
tkm/ct 28
sl no. 82

C.R.M. (DB) 3502 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 257 of 2021 dated 6.6.2021 under sections 302/120B/34 of the IPC and sections 25/27 of the Arms Act subsequently charge sheet submitted under sections 302/34 IPC
and

Allowed

In Re : Arnab Sarkar @ Guddu & Anr. petitioners

Mr. S Majumder

..... for the petitioner

Mr. M Sur

Mr. M Mahata

..... for the State

Petitioner is in custody for 430 days. It is contended there is no legal admissible evidence connecting the petitioner with the crime.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Statements of witnesses recorded under sections 164 Cr.P.C implicate the petitioner no. 1 in the crime. Hence, we are not inclined to grant bail to him.

However complicity of petitioner no. 2 arose from statement of co-accused. No incriminating article was also recovered from him.

In view of the aforesaid circumstances, we are inclined to grant bail to him.

Accordingly, the petitioner no. 2 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 CJM, Ndia on condition that the petitioner no. 2 shall appear before the trial court on every date of hearing and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM (DB) 3502 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)