

05.12.2022
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allowed

CRM(DB) No. 4266 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur Police Station Case No. 116 of 2022 dated 18.07.2022 under Sections 286/326/307/304/201/120B/34 of the Indian Penal Code read with Sections 3/4/5 of the E.S. Act.

And

In Re : Amaluddin Sk. & Ors. petitioners

Mr. Jisan Iqubal Hossain

.....for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

Learned Counsel appearing for the petitioners submits they are in custody for more than 100 days. Investigation is complete. It is also submitted that they did not intend to cause death or bodily injury. Petitioners pray for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioners were preparing bombs. Some of the bombs burst. As a result petitioner no. 1 and others suffered injuries. Two of them died.

We have considered the materials on record. Petitioners were preparing bombs. They did not intend to murder or cause bodily injury though they may have had knowledge that their act is likely to cause death. In view of nature of offence and the period of detention suffered by the petitioners and as investigation is complete, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners viz. Amaluddin Sk., Jamat Ali Sk. and Ahamed Sk. @ Ahammad Sk. shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore on condition that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)