

23.02.2023
40
sdas
allowed

CRM(DB) No. 669 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 494 of 2021 dated 24.11.2021 under Sections 302/120B of the Indian Penal Code and Sections 25/27 with added Section 25(1B)(a)/35 of the Arms Act.

And

In Re : Umesh Bhuiya petitioner

Mr. Sourav Chatterjee
Mr. Kalidas Saha
Mr. Satadru Lahiri
Mr. Sourav Pal

.....for the petitioner

Mrs. Zareen N. Khan
Mr. Arup Sarkar

..... for the State

Learned Counsel for the petitioner submits he is in custody for 261 days. It is also submitted he is not the principal offender. He has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner owed money to the deceased. His son had committed the murder. He was present at the place of occurrence.

We have considered the materials on record. Statements of witnesses show that there were monetary transactions between the petitioner with the deceased. But no legally admissible evidence has come on record to show that he was present at the place of occurrence with his son who is the principal accused. Keeping in mind the extent of complicity of the petitioner in the

aforesaid crime and the period of detention suffered by him, 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, Paschim Bardhaman, on further conditions that while on bail the petitioner shall not enter the District of Paschim Bardhaman until further orders except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the investigating agency and court below and shall report to the Officer in Charge of the Police Station concerned once in a week until further orders. 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.)