

18.04.2023
tkm/ct 28
sl no. 54

C.R.M. (DB) 1526 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Asansol North PS case no. 46 of 2021 dated 11.2.2021 under sections 341/324/326/307/396/427/120B IPC read with section 27 of the Arms Act

And

Allowed

In Re : Imam Khan @ Ebrar petitioner

Mr. Avik Ghatak

Mr. F Imam

..... for the petitioner

Mr. M Sur

Mr. D Paramanick

..... for the State

Petitioner is in custody for 793 days. It is submitted two witnesses namely Md. Sahanaj Khan and Prasanto Debnath have not implicated him in the crime. He prays for bail.

Learned lawyer for the State submits case involves dacoity and murder.

We have considered the materials on record. Principal witnesses namely Md. Sahanaj Khan and Prasanto Debnath have not implicated the petitioner during trial.

Keeping in mind the aforesaid fact and the protracted period of detention suffered by the petitioner, we are inclined to grant bail however, subject to conditions.

Accordingly, the petitioner 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 Sessions Judge, 2nd Court, Asansol on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with

evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Hirapur PS except for the purpose of attending court proceeding and shall report to the Officer-in- Charge, Hirapur PS 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 automatically without reference to this court.

The application being CRM (DB) 1526 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)