

03.07.2023
tkm/ct 28
sl no. 85

C.R.M. (DB) 2408 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domjur P.S case no. 425 of 2022 dated 15.5.2022 under section 302/34 IPC
and

Allowed

In Re : Surojit Ruidas @ Ganesh

... petitioner

Mr. Milom Mukherjee, Sr. Adv
Mr. B Manna

..... for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

..... for the State

Petitioner is in custody for 389 days. He submits he is not the principal accused. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits live ammunitions were recovered from the petitioner.

In reply it is submitted charge under the provisions of Arms Act has not been framed.

We have considered the materials on record. There is no legally admissible evidence which shows the petitioner was present at the place of occurrence. Mere recovery of live ammunitions *per se* would not establish his guilt.

Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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 CJM, Howrah 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.

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) 2408 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)