

03.07.2023.
113.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2440 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North P. S. Case No.46 of 2021 dated 11.02.2021 under Sections 341/324/326/307/396/427/120B of the Indian Penal Code read with Section 27 of the Arms Act.

In the matter of : Azad Khan.

.... Petitioner.

Mr. Avik Ghatak,
Mr. Fahad Imam.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for 85 days. Principal witnesses have not supported the prosecution case. Co-accused, Imam Khan @ Ebrar has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits arms were recovered from the petitioner.

We have considered the materials on record. Independent witnesses to the seizure have not supported the prosecution case. Co-accused has been enlarged on bail.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Azad Khan 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 at Asansol subject to condition that he shall appear before the trial court on every date of hearing until

further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)