

22.08.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 3281 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 sections 302/34 IPC and sections 25/27/35 of the Arms Act

and

Allowed

In Re : Sirsendu Sarkar @ Shirsendu Sarkar @ Piku @ Picku
... petitioner

Mr. Sourav Chatterjee
Mr. S Nag

..... for the petitioner

Mr. M Sur
Mr. Dipankar Paramanick

..... for the State

1. Petitioner is in custody for 464 days. He submits that he is not the principal accused. Recovery of fire arm was from a drain which is accessible to all. Accordingly he prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Statements of witnesses show one Pravat Das @ Alu had fired at the victim. None of the witnesses claim that the petitioner was armed. Recovery of fire arm from the petitioner is said to be from a drain which is accessible to all.
4. Under such circumstances and in view of the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.
5. 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.

6. 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.

7. The application being CRM (DB) 3281 of 2023 is disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)