

20.12.2023.
37.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3824 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar P.S. Case No.374 of 2021 dated 16.08.2021 under Sections 341/325/306/307/302/120(B)/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3/4 of E. S. Act.

In the matter of : **Muktar Hossain @ Sekh.**

.... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Jisan Hossain.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

1. Petitioner is in custody for more than two years. It is contended that the evidence led against him with regard to his presence and participation at the place of occurrence is sketchy. Prosecution proposes to examine 62 witnesses in all. There is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. He contends PW 1, de-facto complainant identified him in dock.
3. We have considered the materials on record including the evidence of PW 1. Apart from stating petitioner was present in Court, PW 1 has not attributed any role of the petitioner which would prima facie support the charge of common intention to murder. Other evidence led till date does not implicate petitioner. There is little possibility of trial concluding in the near future.

4. Under such circumstances, we are inclined to enlarge the petitioner on bail subject to conditions.

5. Accordingly, the petitioner viz., **Muktar Hossain @ Sekh** 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad 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 and on further condition petitioner while on bail shall remain within Raninagar Police Station and report to the Officer-in-charge, Raninagar Police Station once in a week until further orders.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)