

09.10.2023  
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allowed

CRM(DB) No. 3880 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 394 of 2020 dated 29.04.2020 under Sections 394/427 of the Indian Penal Code read with Sections 25/27 of the Arms Act and charge-sheet submitted under Sections 395/397/412/427/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And  
In Re : Anisur Rahaman ..... petitioner

Mr. Soumyajit Das Mahapatra  
Mr. Ali Ahsan Alamgir  
Ms. Rabia Khatoon  
Ms. Soma Mal  
.....for the petitioner

Mr. Arijit Ganguly  
Mr. Arabinda Manna  
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and five months. He was not put up for test identification parade. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits firearm was recovered from the petitioner.

3. We have considered the materials on record. Petitioner was not put up for test identification parade examination. Forensic report with regard to the seized weapon is also placed before us. He has suffered incarceration for about three years and five months. Offences even if proved would not attract mandatory life imprisonment. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 Sessions Judge (Judge, Special Court, E.C. Act), Berhampore, Murshidabad, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

6. The application for bail is, accordingly, allowed.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**