

28.11.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 4233 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Burwan Police Station Case No.227 of 2021 dated 13.08.2021 under Sections 341/326/307/302/120B/34 of the Indian Penal Code, Sections 3/4 of the Explosive Substances Act and Sections 25/27 of the Arms Act. (G.R. Case No.211 of 2021)

And

In Re: **Ripon Sk. @ Abdulla Sk. & Ors.**

... .. Petitioners

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioners

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

1. Learned Advocate-on-record for the petitioners submits that his clients viz. petitioner nos.2 & 3 do not want to proceed with the instant application for bail.
2. Accordingly, the application for bail in respect of petitioner nos.2 & 3 viz. **(2) Sabur Sk. & (3) Saddam Sk.** stands dismissed as not pressed.
3. It is submitted on behalf of the petitioner no.1 that he is in custody for more than two years. Co-accused have been enlarged on bail by the Hon'ble Apex Court as well as this court. Accordingly, he prays for bail.
4. Learned Additional Public Prosecutor opposes the prayer for bail.
5. We have considered the materials on record. Petitioner no.1 stands on the same footing with co-accused who have been enlarged on bail by the Hon'ble Apex Court as well as this court. Under such circumstances and in view of the period of detention suffered by the

petitioner no.1, we are of the opinion further detention of accused/petitioner no.1 is not necessary.

6. Therefore, accused/petitioner no.1, namely **Ripon Sk. @ Abdulla Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad subject to condition that the said petitioner no.1 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.
7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)