

18.12.2023.
94.
Ct.No.28.
as
(Partly
Allowed)

C.R.M. (DB) 4297 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan P.S. Case No.227 of 2021 dated 13.08.2021 under Sections 341/326/307/302/120B/34 of the Indian Penal Code and Sections 3/4 of Explosives Substances Act with added Sections 25/27 of the Arms Act.

In the matter of : **Subir Sk & Ors.**

.... Petitioners.

Ms. Minoti Gomes,
Ms. Riya Das.

...for the Petitioners.

Mr. Swapan Banerjee, Ld. Sr. Govt. Adv.,
Mr. Manoranjan Mahata.

...for the State.

1. Petitioners are in custody for 833 days. Co-accused have been granted bail by the Hon'ble Apex Court. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the petitioners had been rejected earlier.
3. We have considered the materials on record. Petitioner Nos.1 and 3 had threatened the victim earlier. Thereafter, the victim was murdered. They stand on different footing from co-accused who have been enlarged by Hon'ble Apex Court. Accordingly, CRM (DB) 3343 of 2023, their bail prayer had been turned down by this Court. There is no change in circumstance since then.

4. Hence, prayer for bail of petitioner Nos.1 and 3 is rejected.

5. We have considered the materials against petitioner No.2. He stands more or less with the same footing with co-accused who have been enlarged on bail by the Hon'ble Apex Court.

6. Accordingly, petitioner No.2, **Samjed Sk** 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, Murshidabad at Kandi 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.

8. In the event 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)