

19.12.2023.
104.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4498 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Adra P.S. Case No.51 of 2023 dated 23.06.2023 under Sections 302/307/120B/34 of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

In the matter of : **Arshad Hussain.**

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Pawan Kr. Gupta,
Mr. Sougata Mitra,
Mr. S. Maitra
Ms. S. Nesar.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Santanu Chatterjee.

...for the State.

1. Petitioner contends he is in no way connected with the murder. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Statement of witness shows petitioner had heard about the conspiracy to murder but did not take any step.
4. Keeping in mind the incidental role played by the petitioner, we are of the opinion whether he is a conspirator or not requires to be assessed during trial. Petitioner has strong roots in society and there is no chance of abscondence.
5. Hence, he may be enlarged on bail.
6. Accordingly, the petitioner viz., **Arshad Hussain** 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, Raghunanthpur, Purulia 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)