

19.12.2023
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Partly Allowed

CRM (DB) No. 4538 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Para Police Station Case No. 52 of 2023 dated 21.06.2023 under Sections 341/325/326/302/34 of the Indian Penal Code.

And
In Re : Santi Khan & Ors. petitioners

Mr. Tapan Datta Gupta
Mr. Parvej Anam
.....for the petitioners

Mr. Neguive Ahmed, learned APP
Ms. Eshita Dutta
....for the State

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record. Statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure implicate the petitioner no. 3 in the murder of the victim. Hence we are not inclined to grant bail to the petitioner no. 3.
3. Application for bail in so far as petitioner no. 3 concerned is, thus, rejected.
4. Keeping in mind the extent of complicity of the petitioner nos. 1 and 2 in the crime and in view of period of detention suffered by them i.e. 180 days and 124 days respectively we are inclined to grant bail to them.
5. Accordingly, we direct that petitioner nos. 1 and 2 viz. Santi Khan and Reajuddin Khan @ Babu Khan shall be released on bail upon furnishing a bond of Rs.10,000/- each

with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purulia, subject to the condition that they shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event, petitioner nos. 1 and 2 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed in so far as petitioner nos. 1 and 2 are concerned.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)