

21.12.2023
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allowed

CRM(DB) No. 4644 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol (North) Police Station Case No. 177 of 2018 dated 04.07.2018 under Sections 395/397 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And
In Re : Akhilesh Singh @ Kumar Petitioner

Mr. Ayan Bhattacharjee
Mr. Kunal Ganguly
....for the petitioner

Mr. Anowar Hossain
Mr. Arabinda Manna
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and nine months. It is also submitted he has been identified in Court. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner was seen in CCTV footage. His fingerprints were also found at the spot.

3. We have considered the materials on record. Primary evidence of identification of an accused is the ocular evidence of eye-witnesses. None of the eye-witnesses examined till date i.e. PWs 1 to 6 have identified the petitioner in dock. CCTV footage and fingerprints, even if proved, are in the nature of corroborative evidence. In view of the lacunae in evidence, 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 Chief Judicial Magistrate, Asansol, Paschim Bardhaman, on further condition that the petitioner shall remain within Paschim Bardhaman and shall report to the officer-in-charge of Asansol (North) once in a week until further orders. 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)