

07.03.2024
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 733 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2024 in connection with Khardah Police Station Case No.16 of 2024 dated 07.01.2024 under Sections 341/323/325/326/307/506/34 of the Indian Penal Code read with Section 25(1-B)(a) of the Arms Act. (G.R. Case No.199 of 2024)

And

In Re: ***Rakesh Shaw @ Sujal Shaw***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar
Ms. Tumpa Ruidas

... .. for the petitioner

Mr. Binay Kumar Panda
Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 36 days. It is further submitted victim was assaulted with the butt of the firearm. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Miscreants did not fire at the victim. They assaulted the victim with the butt of the firearm which improbabilises a case of attempt to murder. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Rakesh Shaw @ Sujal Shaw***, 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, Barrackpore, North 24-

Parganas subject to condition that the said petitioner 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)