

14.03.2024
tkm/ct 28
sl no. 38

C.R.M. (DB) 813 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kotwali P.S case no. 18 of 2024 dated 14.1.2024 under sections 427/386/34/120B IPC read with sections 25/27 of the Arms act
and

Allowed

In Re : Sk. Faruk

... petitioner

Ms. Milon Mukherjee, Sr. Adv.
Mr. D Dutta

..... for the petitioner

Mr. S Bardhan
Ms. Pritha Paul

..... for the State

1. Petitioner submits he was not named in the FIR. Co-accused had hired a JCB machine from the petitioner. He was not aware of their motive. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He submits investigation is in progress.

3. We have considered the materials on record. Petitioner is not named in the FIR. He was not present at the spot when the shop room was demolished. JCB machine had been hired by the co-accused from the petitioner. Whether the petitioner was aware of the ulterior motive of the co-accused requires to be assessed during trial. Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner 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 CJM Paschim Medinipur on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 813 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)