

08.04.2024
Sl. No.26
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 911 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.03.2024 in connection with Bankura Police Station Case No. 310 of 2023 dated 05.09.2023 under Sections 326/307/120B of the Indian Penal Code and Sections 25(1)(a)/27 of the Arms Act. (G.R. Case No.1262 of 2023)

And

In Re: **Pratap Das @ Pao & Ors.**

... .. Petitioners

Mr. Sourav Chatterjee
Mr. Aditya Tiwari
Ms. Anwasha Mukherjee

... .. for the petitioners

Mr. Mainak Gupta

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. Report is placed on record. From the report it appears petitioner no.3 is a HIV positive patient. He requires regular treatment which may not be available in jail.
3. Under such circumstances, purely on medical ground, we are of the opinion further detention of the petitioner no.3 is not necessary.
4. Therefore, the petitioner no.3 namely **(3) Ajgaibi Sharma**, 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 Chief Judicial Magistrate, Bankura subject to condition that the said petitioner no.3 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. However, in view of the role played by petitioner nos.1 & 2 in the crime, we are not inclined to grant bail to petitioner nos.1 & 2 namely, **(1) *Pratap Das @ Pao* & (2) *Sanjeet Kumar @ Sanjib Kumar*** at this stage.
7. The application for bail is thus disposed of.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)