

02.04.2024
Sl. No.48
akd
[ALLOWED]

C. R. M. (DB) 970 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.03.2024 in connection with Jamuria Police Station Case No.181 of 2023 dated 29.04.2023 under Sections 302/201/120B of the Indian Penal Code read with Sections 25(1B)(a)/27/35 of the Arms Act. (G.R. Case No.1132 of 2023)

And

In Re: ***Prakash Thakur***

... .. Petitioner

Mr. Saibal Krishna Dasgupta

... .. for the petitioner

Ms. Sreyashee Biswas

Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is not the principal accused. Co-accused viz. Suvam Roy @ Suvam Roy @ Riyan has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits firearm was recovered from the possession of the petitioner.
3. We have considered the materials on record. One Raghunath Karmakar @ Raghu had committed the murder. Petitioner through Suvam Roy @ Suvam Roy @ Riyan supplied the firearm. Suvam Roy @ Suvam Roy @ Riyan has been enlarged on bail. Keeping in mind the complicity of the petitioner in the crime and as co-accused viz. Suvam Roy @ Suvam Roy @ Riyan is on bail, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely ***Prakash Thakur***, 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, Paschim Bardhaman 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)