

08.04.2024

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Allowed

CRM (DB) No. 1042 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No. 175 of 2023 dated 08.07.2023 under Section 302 of the Indian Penal Code and under Section 4 of the Explosive Substances Act and charge-sheet submitted 302/120B of the Indian Penal Code.

And

In Re : Lalchand Sk. petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

.....for the petitioner

Mr. Partha Pratim Das
Mr. Abhinaba Mukherjee

....for the State

Mr. Samim Ahammed
Mr. Arka Ranjan Bhattacharya
Ms. Gulsanwara Pervin

..... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 107 days. One Selim hurled the bomb. Co-accused Kalachand Sk. @ Sekh @ Kala Chand Sk. has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits one Sabir Sk. stated before the learned Magistrate that all the accused including petitioner had attacked the victim.

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. We have examined the statement of Sabir Sk. It is true he stated all the accused including the petitioner had attacked the victim. But statements of other witnesses give a different picture. In their statements the witnesses stated only Selim had hurled the bomb. In view of the aforesaid dichotomy with regard to the genesis of the incident, 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, Murshidabad at Berhampore, on further condition that while on bail petitioner shall not enter the jurisdiction of Rejinagar Police Station until further orders except for the purpose of attending court proceeding. He shall provide the address where he shall presently reside to the investigating agency as well as court below and shall meet the Officer-in-Charge of the police station concerned within whose jurisdiction he is presently residing once in a week until further orders. He 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.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)