

14.05.2024
Item no.115.
Court No.06.
S. De
(Allowed)

CRM (DB) 1498 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 06.05.2024 in connection with Kandi Police Station Case No. 632 of 2023 dated 21.10.2013 under Sections 302/34/120B of the Indian Penal Code, 1860 and under Sections 25/27 of the Arms Act 1959.

And

In the matter of : Hamid Sk. @ Abdul Hamid Sk. & Anr.

.....Petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Abir Ranjan Neogi,
Mr. Karon Bapuli, ...for the Petitioners.

Mr. Joydeep Biswas,
Ms. Ankita Paul, ...for the State.

Mr. Golam Mastafa,
Mr. S. Sarkar, ...for the de facto complainant.

Learned advocate appearing on behalf of the petitioners submits that they are completely innocent and have been falsely implicated in the offence alleged. It is further submitted that there are no incriminating materials on record by which they can be implicated in the offence alleged. They are in custody for a considerable period of time.

Learned Public Prosecutor raises objection by submitting that there are sufficient materials in the case diary from which the prima facie involvement of the accused petitioners may be established. The attention of the Court is drawn to the statements recorded under Section 164 of the Code

of Criminal Procedure. He prays that the bail application filed by the accused petitioners may be rejected.

We have considered the rival submissions made on behalf of the parties and perused the materials placed before us. It appears from the materials on record that two of the FIR named accused persons have already been granted bail by a co-ordinate Bench of this Court. The accused petitioners are in custody for 135 days and in the mean time, charge-sheet has been submitted. The case has been committed for trial. So we find that there is no justification to keep the petitioners behind the bar further for the sake of interrogation.

Accordingly, we direct that the petitioners namely Hamid Sk. @ Abdul Hamid Sk. and Sonarul Sk. @ Anowar Sk. @ Anowar Hossain shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad and on further conditions that the petitioners shall not enter the jurisdiction of Kandi Police Station except for attending Court proceedings and shall provide the address where they shall presently reside to the Officer-in-Charge of the concerned police station. The petitioners shall also meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioners 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.

In the event the petitioners fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court. Prior to their release on bail, they shall deposit their passport before the trial Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)