

28.06.2024
Item no.78.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1869 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 14.06.2024 in connection with Jagatballavpur Police Station Case No. 03 of 2023 dated 04.01.2023 under Sections 302 of the Indian Penal Code.

And

In the matter of : Gani Sekh.Petitioner.

Mr. Ashok Das,
Mr. Sourav Mukherjee,
Ms. Hasi Jana,
.....for the Petitioner.
Ms. Zareen N. Khan,
Mr. Atulya Sinha,for the State.

The petitioner says that he has no involvement in the alleged crime. A co-accused person has been enlarged on bail by a Co-ordinate Bench by an order dated April 1, 2024 passed in CRM (DB) 677 of 2024. He says that he stands on the same footing as that person. Investigation is complete. He is in custody for 1 year and 4 months.

Learned advocate for the State, while opposing the prayer for bail draws our attention to the material in the case diary. She says that the petitioner is the prime accused. He had hired a Toto which was used for the alleged crime. Seizure was made on the basis of the leading statement made by the petitioner. July 1, 2024 has been fixed as the date for recording

evidence of CW-1. Further, several criminal cases are pending against the petitioner.

We have considered the facts and circumstances of the case and the material on record. The State has not been able to tell us that the petitioner has suffered conviction in any criminal case. We have seen the FSL Report. No poison has been found in the stomach of the deceased. There is no eye-witness. The case is based on circumstantial evidence.

In the facts and circumstances of the case aforesaid, we are inclined to grant bail to the petitioner but on stringent conditions.

Accordingly, we direct that the petitioner namely, **Gani Sekh** 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, Howrah and on further conditions that the petitioner shall not enter the jurisdiction of Jagatballavpur Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner 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 fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)