

13-15. 10.07.2024
Court
No.28 (Tanmoy)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1920 of 2024

In Re: - An Application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Khargram Police Station Case No. 297 of 2023** dated **10.08.2023** under Sections **143/147/325/326/307/302/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Sajjad Sk. @ Tota Sk. @ Sazzad Sk & Anr.**

With

CRM (DB) 1931 of 2024

In Re: - An Application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Khargram Police Station Case No. 297 of 2023** dated **10.08.2023** under Sections **143/147/325/326/307/302/120B** of the Indian Penal Code, 1860.

And

In the matter of: - **Kawsar Sk. @ Kaosar**

With

CRM (DB) 1943 of 2024

In Re: - An Application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Khargram Police Station Case No. 297 of 2023** dated **10.08.2023** under Sections **143/147/325/326/307/302/120B** of the Indian Penal Code, 1860.

And

In the matter of: -**Khokan Sk @ Khokon Sk & Anr.**

...petitioners.

Mr. Anirban Guhathakurta, Adv.,
Mr. Sujan Chatterjee, Adv.,
Mr. Souparno Sinha, Adv.,
Mr. Rohan Bakshi, Adv.

...for the petitioners.

Mr. Subhomoy Bhattacharya, Adv.,
Ms. Diksha Ghosh, Adv.

...for the State
in CRM (DB) 1920 of 2024.

Mr. Debasish Roy, Ld. PP,
Mr. Arijit Ganguly, Adv.,
Mr. Koushik Kundu, Adv.

...for the State
in CRM (DB) 1931 of 2024.

Mr. Subhomoy Bhattacharya, Adv.,
 Ms. Dhanasree Biswas, Adv.

...for the State
 in CRM (DB) 1943 of 2024.

Mr. Navanil De, Adv.,
 Mr. Srinjan Ghosh, Adv.,
 Mr. Subhrajit Dey, Adv.

...for the *de facto* complainant.

Leave is granted to learned Advocate-on-record for the petitioners in CRM (DB) 1920 of 2024 to correct the cause title of the bail petition.

There are two petitioners in CRM (DB) 1920 of 2024, namely, 1. Sajjad Sk. @ Tota Sk. @ Sazzad Sk, 2. Sarful Sk. @ Sharful Sekh. In CRM (DB) 1931 of 2024, there is one petitioner, namely, Kawsar Sk. @ Kaosar and in CRM (DB) 1943 of 2024, there are three petitioners, namely, 1. Khokan Sk @ Khokon Sk, 2. Mistarul Khamaru, 3. Ejarul Sk. @ Sanjay @ Sanjoy.

Learned Advocate for the petitioners says that the incident was a result of a political rivalry. While one political party members were celebrating a victory, the rival political party members came and attacked them. There was a skirmish between two groups. Three persons were injured, one of whom succumbed to the injury. Out of 11 accused persons, five persons have been granted bail by the learned Sessions Court. The present petitioners, six in number, are similarly circumstanced and should also be released on bail. They are in custody for several days ranging from 250 days to 331 days.

Learned Public Prosecutor, while opposing the prayer for bail, draws our attention to statements of the injured persons recorded under Section 164 of the Code of Criminal Procedure,

1973. We find that all the six petitioners have been named but recovery has been made only from Sajjad Sk. @ Tota Sk. @ Sazzad Sk and Kawsar Sk. @ Kaosar.

Considering the facts and circumstances of the case and the fact that investigation is complete and also that the incident might have been an outcome of political rivalry, we are inclined to grant bail to four out of six petitioners, namely, Sarful Sk. @ Sharful Sekh, Khokan Sk @ Khokon Sk, Mistarul Khamaru, Ejarul Sk. @ Sanjay @ Sanjoy.

We are not inclined to allow the bail prayer of Sajjad Sk. @ Tota Sk. @ Sazzad Sk and Kawsar Sk. @ Kaosar, since we find stronger incriminating material against them including recovery of offending weapons from them. Therefore, the bail prayer of **Sajjad Sk. @ Tota Sk. @ Sazzad Sk and Kawsar Sk. @ Kaosar** is **rejected**, at this stage.

The bail prayer of other four petitioners, namely, **Sarful Sk. @ Sharful Sekh, Khokan Sk @ Khokon Sk, Mistarul Khamaru, Ejarul Sk. @ Sanjay @ Sanjoy**, is **allowed**.

Accordingly, we direct that the petitioners, namely, **Sarful Sk. @ Sharful Sekh, Khokan Sk @ Khokon Sk, Mistarul Khamaru, Ejarul Sk. @ Sanjay @ Sanjoy**, 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 Chief Judicial Magistrate, Murshidabad, subject to condition that the petitioners, who are on bail, shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section

317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners, who are on bail, fail to adhere to any of the conditions stipulated above without any justifiable cause, the trial Court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The applications for bail being CRM (DB) 1920 of 2024, CRM (DB) 1931 of 2024 and CRM (DB) 1943 of 2024 are, accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)