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14-08-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2026 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara Police Station** Case No. **720 of 2023** dated **30.08.2023** under Sections **147/148/149/326/307/302/120B** of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

- A n d -

In the matter of : Bhuttu @ Bhutu Sk.

.... Petitioner.

Mr. Ashok Das,
Mr. A. Islam
Mr. S. Mukherjee,
Ms Hasi Jana,

... For the petitioner.

Mr. Ranabir Roychowdhury,
Mr. S. Balial,

... For the State.

Order dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that the present accused-petitioner is not the principal accused and the basis of implication of the present accused-petitioner is by the aid of Section 34 of the Indian Penal Code.

2. While opposing the prayer for bail, learned Advocate for the State says that though he did not oppose such contention but he vehemently submitted that the present accused-petitioner was very much present at the time of the alleged commission of offence and he was a member of the team which committed this offence pursuant to their common intention.

3. We have perused the entire materials as placed before us. It appears to this Court that the basis of implication of the present accused-petitioner is with the aid of Section 34 of the Indian Penal

Code. It does not appear to us that custodial detention of the present accused-petitioner is necessary for the progress of trial. Hence, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Bhuttu @ Bhutu Sk.**, 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 Chief Judicial Magistrate, Nadia, Krishnagar and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to 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 each date of substantive hearing subject to the provision of Section 317 Cr. P.C. and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails 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.

6. The application for bail is, accordingly, allowed.

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

(**Partha Sarathi Sen, J.)**

(**Arijit Banerjee, J.)**