

CRM (DB) 3083 of 2024

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure, 1973/under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chapra P.S. Case No. 999 of 2023 dated 24.12.2023 under sections 302/34 of the Indian Penal Code and sections 25/27 of the Arms Act.

And

In the matter of : Ajit Shaikh @ Voda

Mr. Ali Arsan Alamgir
Ms. Rabia Khatoon
Ms. S. Mal
Mr. J. Modak

... ... for the petitioner

Mr. Sudip Kumar
Ms. Mausumi Sarkar

... ... for the State

Mr. Simanta Kabir

... ... for the de facto complainant

1.

Petitioner is in custody for 330 days. He contends he was named in the FIR. Most of the accused who are named in the FIR have been discharged. He has been falsely implicated. He prays for bail.
2.

Learned lawyer for the State opposes the bail prayer of the petitioner.
3.

Learned lawyer for the de facto complainant submits he has challenged the discharge of the FIR named co-accused.
4.

We have considered the materials on record. Save and except one statement showing that petitioner and two others were standing in the field where the murder had been committed, there was no other incriminating material involving the petitioner in the crime.

5. In view of the slender materials on record, we are inclined to grant bail to the petitioner.
6. Accordingly, 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, Krishnagar, Nadia subject to the condition that the petitioner shall meet the investigating officer once in a week until further orders and shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.
8. The application for bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)