

**25.04.2025**

Item No.05

Ct.No.34

rc.

**Allowed**

**C.R.M. (DB) 517 of 2025**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jagatballavpur Police Station Case No. 208 of 2024 dated 20.10.2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1(a) of the Arms Act.

And

In Re : **Sk. Akib**

... Petitioner

Mr. Moyukh Mukherjee

Ms. Sinthia Bala

Mr. Samrat Mandal

... for the Petitioner

Mr. Soumik Ganguly

Ms. Rajashree Tah

... For the State

Heard learned counsels for the parties.

The petitioner is in custody for about six months and seeks parity with co-accused who are on bail.

Learned counsel for the petitioner submits that the petitioner has also been alleged to be an co-conspirator with the other accused on bail. Allegation against him is almost identical to that of the co-accused. He has been said to be the driver of the vehicle which took the victim prior to the alleged murder and also carried the body of the victim for disposal by the co-accused. There is no independent witness to connect him to the alleged offence.

Opposing the prayer, learned counsel for the State submits that the Closed Circuit Television (in short, "CCTV")

footages which have tracked the entire route of the assailants demonstrate that the petitioner was part of the gang which abducted the victim and murdered him.

I have considered the material on record. The evidence against the petitioner disclosed in the charge sheet is similar to that of the co-accused who are on bail. Though the CCTV footages show some persons sitting in a restaurant, no test identification parade of the petitioner was conducted by the Investigating Agency in order to match the CCTV footages with the identity of the persons shown there. The petitioner is allegedly a co-conspirator to the alleged incident and has been stated to be the driver of the offending vehicle by the co-accused. Material available in the Case Diary demonstrates that the petitioner is similarly circumstanced with the co-accused who are on bail.

Considering the material available on record, this Court is of the view that the petitioner deserves the same benefit as the other co-accused on bail. Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Sk. Akib**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that the petitioner shall remain outside the District of Howrah except for the purpose of appearing before the learned trial Court on every date of hearing. The petitioner shall furnish the address

where he shall henceforth reside before the the learned Trial Court, Investigating Officer, and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**