

20.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 977 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ketugram Police Station Case No. 216 of 2024 dated 13.05.2024 under Sections 341/307/302/506/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act read with Sections 25/27 of the Arms Act.

And

In Re : Samsul Sk

Mr. Diptendu Narayan Bandyopadhyay
... For the Petitioner.

Ms. Faria Hossain
Ms. Sujata Das

... For the State.

The petitioner is in custody for more than a year and seeks parity with co-accused Goni Sk. @ Geni Sk. who was granted bail by this Court.

Opposing the prayer, learned counsel for the State submits that the petitioner is not similarly circumstanced with the co-accused on bail since gun powder was recovered pursuant to his leading statement.

I have considered the material on record. The petitioner is not named in the FIR. Besides recovery of gun powder pursuant to his leading statement there is no other evidence *prima facie* connecting the petitioner to the alleged crime. The petitioner appears to be present at the place of occurrence at the relevant time but is not the principal assailant. The witnesses have not named the petitioner in course of investigation. The *defacto* complainant has also not

implicated the petitioner in her evidence before the learned trial Court.

Considering the material on record and extent of complicity of the petitioner in the alleged crime, this Court is of the view that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Samsul Sk shall 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 Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman subject to condition that he shall remain outside the jurisdiction of Ketugram police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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 disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)