

16.07.2025

27

jb.

jdt.

Allowed

C.R.M. (M) 634 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 Bishnupur Police Station Case No. 386 of 2023 dated 20th May, 2023 under Sections 302/201/120B of the Indian Penal Code read with Section 25(1B) of the Arms Act.

And

In Re : Ayamad Ali Sanpui @ Aimad @ Ahmed Sapui

Mr. Shibaji Kr. Das

Mr. Aniket Kenrar

... For the Petitioner.

Mr. Soumya Nag

Mr. Aditya Tiwari

... For the Defacto Complainant

Mr. Suman De

Mr. Samarjit Balial

... For the State

The petitioner seeks parity with the co-accused Aizul Molla @ Aizul Jamadar @ Molla who was granted bail by the Hon'ble Supreme Court.

Opposing the prayer, learned counsels for the State and the defacto complainant submit that the petitioner is the owner of the tea stall where the alleged incident occurred and he is not similarly placed with the co-accused who are on bail.

I have considered the material on record.

True, the petitioner is the owner of the tea stall where the alleged incident occurred. The petitioner and the other co-accused appear to have been guarding the tea stall from outside when the alleged incident occurred. The witnesses

have named all the co-accused including the petitioner in the same bracket. It is submitted that blood stained wearing apparel of one of the co-accused was recovered at the instance of the petitioner. The said wearing apparel has not been sent for forensic examination.

The petitioner appears to be similarly circumstanced with the co-accused who have been granted bail earlier and deserves the same benefit.

Accordingly, the prayer for bail is allowed.

The petitioner namely Ayamad Ali Sanpui @ Aimad @ Ahmed Sapui 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, Alipore, District South 24 Parganas subject to condition that he shall remain within the jurisdiction of Bishnupur 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. He 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.)