

Nannach Sk. & Anr vs Unknown on 16 March, 2011

Author: Ashim Kumar Roy

Bench: Ashim Kumar Roy

55 16.03.2011
Sd

C.R.M. 1563 of 2011

Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18th February, 2011 in connection with Rejinagar P.S. Case No. 332/09 dated 26.12.2009 under Section 395/397 of the Indian Penal Code and Sections 25/27 of the Arms Act read with Section 9(b) of U.E. Act and adding Section 412 of Indian Penal Code.

And

In the matter of : Nannach Sk. & Anr.

.... Petitioners (in Jail).

Mr. Tapas Kumar Adhikari.

....For the Petitioners.

Mr. Sk. Abdus Salam.

....For the State.

Heard learned counsel for the petitioners as well as the learned counsel appearing on behalf of the State. Perused the case diary.

It is submitted that the petitioners are in custody for about eleven months and they are not concerned with the offence of robbery.

On the other hand, learned counsel appearing on behalf of the State opposed the prayer for bail and submitted that in the month of October, 2010, the petitioners prayer for bail was rejected by this Court on merit.

Now having gone through the case diary we find that the petitioners are not concerned with the offence of robbery. So far as petitioner No. 1 is concerned, he was neither identified in the Test Identification parade nor any stolen article was recovered from his possession, whereas from the possession of the petitioner No. 2 one Nokia Phone was recovered but that was not ever identified as that of the stolen property.

Now considering the petitioners period of detention and the

materials so far available from the case papers, in our opinion the petitioners prayer for bail can be considered favourably.

The applicants/accused be released on bail on furnishing P.R. Bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local and on further condition that they shall meet the Investigating Officer of the case twice in every week until further orders. The petitioners shall not commit any offence and shall not tamper with the prosecution case while on bail.

The application for bail accordingly stands disposed of.

(J. N. PATEL, CHIEF JUSTICE)

(ASHIM KUMAR ROY, J.)