

16.12.2020.  
40.  
as  
(Allowed)

**C.R.M. 9416 of 2020**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bally P. S. Case No.80 of 2019 dated 18.07.2019 under Sections 302/201/120B of the Indian Penal Code.

In the matter of : Sahabaz Khan @ Dilabar Khan.  
.... Petitioner.

Mr. S. Basu Roy Chowdhury.  
...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,  
Mr. Manoranjan Mahata.  
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner renews his prayer for bail. He submits that co-accused Upendra Rajak has been granted bail by this Court.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner's prayer for bail was rejected in June, 2020. Petitioner was identified in the course of test identification parade. He played active role in the murder of the accused and disposed of his body.

We note that Upendra Rajak and the petitioner were identified in the test identification parade. Co-accused, Upendra Rajak has been enlarged on bail.

Under such circumstances, we are inclined to grant bail to the petitioner.

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, Howrah subject to condition that the petitioner 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M. 9416 of 2020, is disposed of.

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**