

18.06.2021

Court No.28
Item No.14
(Allowed)

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CRM 2238 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with English Bazar Police Station Case No. 298 of 2020, dated 10.04.2020 under Sections 341/302/34 of the Indian Penal Code.

And

In the matter of : **Tasikul Sk. @ Tasidul Sk.**
...Petitioner

Mr. Ziaul Haque.

...For the Petitioner

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with English Bazar Police Station Case No. 298 of 2020 under Sections 341/302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that there was a commotion in the village, which led to murder of a person and the petitioner has been falsely implicated in the said case. It is further submitted that one of the co-accused namely Kabul Sk., who happens to be the father of the present petitioner, stands on the same footing that of the petitioner and had been granted bail by this Court in connection with CRM 9720 of 2020 and, therefore, the petitioner should also be released on bail.

Learned Advocate for the State opposes the prayer for bail. However, he fairly submits that the present petitioner stands on the same footing that of Kabul Sk., as the materials unearthed during the investigation prima facie shows the complicity of the petitioner to the offence in parity with Kabul Sk.

After hearing the respective Counsels we had an occasion to peruse the order dated 17th December, 2020 passed in CRM 9720 of 2020 wherein the said Kabul Sk. was released on bail by the Division Bench of this Court, as the allegations made against him was general and omnibus in nature and the possibility of false implication owing

to prior enmity cannot be ruled out.

Since the petitioner stands on the same footing that of the said co-accused, we do not find any justification in not extending the privilege of bail to the petitioner as well.

Accordingly, the petitioner, **Tasikul Sk. @ Tasidul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to the 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 do so without 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 for bail, being CRM 2238 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)