

06.12.2021.
17.
as
(Partly
Allowed).

C.R.M. 5167 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak P. S. Case No.400 of 2019 dated 12.10.2019 under Sections 341/326/307/506/302/34 of the Indian Penal Code.

In the matter of : Sk. Gulab & Anr.

... Petitioners.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. A. Chakraborty,
Mr. S. S. Ray.

...for the Petitioners.

Mr. P. K. Datta, Id. A. P. P.,
Mr. Santanu Deb Roy.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner no.1 renews his prayer for bail. It is submitted that he is in custody for more than two years. Petitioner no.2 is in custody for about 10 months and it is submitted that no overt act has been attributed to him.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioners shared the common intention to murder the victim. Trial is in progress.

We have considered the materials on record. Petitioner no.1 is the principal assailant and his prayer for bail was rejected earlier.

Accordingly, the prayer for bail of the petitioner no.1 is rejected.

However, keeping in mind the extent of complicity of the petitioner No.2 and as he is not the principal assailant, we are inclined to grant bail to the petitioner no.2.

Accordingly, the petitioner no.2, viz., Sk. Aktar 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, Malda subject to condition that the petitioners 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 petitioners fail 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.5167 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)