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(AD/
KC)

10.12.2021

Court No.28

(Allowed)

C.R.M. 8101 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Santipur** P.S. Case No.**25 of 2020** dated **14/01/2020** under Sections **302/120B** of the Indian Penal Code, 1860.

And

In the matter of: Dipak Sing @ Kele Singh

....petitioner.

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal

...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Paramanick

... for the State.

Petitioner is in custody for 46 days. Co-accused persons have been granted bail /anticipatory bail.

Learned lawyer for the State submits that the petitioner and co-accuseds had common intention to murder the deceased. Petitioner had given the first blow on the leg of the deceased felling him to the ground.

We have considered the materials on record. All the accused persons conjointly assaulted the deceased.

In view of the aforesaid, we are of the opinion role of the petitioner cannot be distinguished from the co-accuseds who have been granted bail/anticipatory bail.

Under such circumstances, we are inclined to extend the privilege of bail to the petitioner on principle of parity.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for bail is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)