

21.12.2021
Item 134
Court No.28.
AB

CRM No. 8558 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Maidan P. S. Case No.87 of 2020 dated 2.8.2020 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Sk. Irshad Ahmed

.....Petitioner.

Mr. Satadru Lahiri,
Mr. S. Azamfor the Petitioner.

Mr. Neguive Ahmed, ld. APP
Ms. Amita Gaurfor the State.

It is submitted on behalf of the petitioner that he is in custody for 500 days. It is further submitted that co-accused has been enlarged on bail. He is not the principal assailant.

Learned lawyer appearing for the State opposes the prayer for bail and submits that the petitioner was a member of an unlawful assembly, one of whom murdered the deceased.

We have considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and as co-accused has been granted bail, who stands on the same footing with the petitioner, we are inclined to extend same privilege to the petitioner also.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Kolkata, 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 the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)