

07.02.2022
Serial no. 57
Aloke
Ct. No. 29

CRM (DB) 346 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2022 in connection with Titagarh P.S. Case No. 51 of 2019 dated 30.01.2019 under Sections 302/201/34 of the Indian Penal Code.

-And-

In the matter of: Farman Khan

... ...Petitioner

Mr. Debasis Kar, Advocate
Mr. Husen Mustafi, Advocate
Mr. Subhajit Chowdhury, Advocate

... ... For the Petitioner

Mr. Nguive Ahmed, Id. APP
Ms. Amita Gaur, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for more than two years four months. Out of three co-accused, two were granted bail. The petitioner stands on the same footing as that of two other co-accused who were granted bail.

Learned Additional Public Prosecutor submits that one co-accused was granted statutory bail and the other co-accused, however, was granted bail by the jurisdictional Court.

There being no material placed before us to suggest that the petitioner cannot claim parity with other co-accused who were granted bail by the jurisdictional Court. We are therefore inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas, subject to condition that the petitioner will not leave the jurisdiction of Titagarh P.S. except for the purpose of attending the trial and on condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 346 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)