

23.03.2022

Serial no. 95

[Dd]

(Bail **allowed**)

CRM (DB) 434 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Chapra** Police Station Case No. **433** of **2021** dated **03.10.2021** under Sections **447/323/325/307/34** of the Indian Penal Code and added Section **302** of the Indian Penal Code.

-And-

In the matter of : Fakir Sk

... .. Petitioner

Mr. Atis Kr. Biswas,
Mr. Amit Singh,
Ms. Jyoti Agarwal, Advocates
... .. *For the Petitioner*

Mr. Neguive Ahmed, Id. APP
Ms. Trina Mitra, Advocates
... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 131 days. The petitioner stands on the same footing as that of other co-accused who was enlarged on bail by this Hon'ble Court on March 14, 2022 in CRM (DB) 693 of 2022.

Learned Additional Public Prosecutor draws the attention of the Court to the statement of the injured recorded under Section 164 of the Criminal Procedure Code.

It appears from such statement of the injured recorded under Section 164 of the Criminal Procedure Code that one Nasir dealt the blow. No overact is attributed to the petitioner.

Considering the gravity of the offence and the involvement of the petitioner as transpiring from the

statement recorded under Section 164 of the Criminal Procedure Code and considering the period of detention of the petitioner and considering the fact that police filed charge sheet, we are 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 Chief Judicial Magistrate, Nadia at Krishnagar** subject to 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 of the petitioner is **allowed**.

CRM (DB) 434 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)