

31.03.2022
Serial no. 31
CHC
Ct. No. 29
Allowed Partly

CRM (DB) 868 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 29th March, 2022 in connection with Kaliaganj Police Station Case No.60/22, dated 28.01.2022 for the offence punishable under Sections 341/325/326/307/34 of the Indian Penal Code.

-And-

In the matter of : Chhurat Sk. & anr.

...Petitioners

Mr. Kushal Kr. Mukherjee, Advocate

... ... For the Petitioners

Mr. Zareen N. Khan, Advocate

Md. Kutub Uddin, Advocate

... ...For the State

Petitioners seek bail on the ground of parity with that of the co-accused who was granted bail on March 9, 2022 in CRM (DB) 666 of 2022.

Learned advocate appearing for the State submits that petitioner no.2 is the principal assailant who inflicted the blows with sharp cutting weapon. He submits that petitioner no.2 again claims parity so far as the petitioner no.1 is concerned.

Considering the fact that the petitioner no.1 stands in the same footing as that of other co-accused, who was granted bail on March 9, 2022 in CRM (DB) 666 of 2022 we grant bail to the petitioner no.1(Chhurat Sk) on the ground of parity.

Accordingly, we direct that the petitioner no.1 (Chhurat Sk.) 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, Krishnagar, Nadia, subject to condition that the petitioner no.1 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 no.1 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 no.1 in accordance with law without further reference to this Court.

The prayer for bail of the petitioner no.1 (Chhurat Sk) is allowed.

However, so far as the petitioner no.2 (Id. Mahammad Sk alias Bapi Sk) is concerned, as appearing from the materials in the Case Dairy, he does not stand in the same footing as that of the accused who was enlarged on bail on March 9, 2022.

Considering the gravity of the offence and involvement of the petitioner no.2 therein as appearing from the materials available in the C.D. we are unable to grant bail to petitioner no.2.

Prayer for bail is thus rejected so far as the petitioner no.2 (Id. Mahammad Sk alias Bapi Sk) is concerned.

CRM (DB) 868 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)