

04.04.2022

Serial no. 39

[Dd]

(Bail **allowed**)

CRM (DB) 871 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **G. R. No. 955 of 2018** arising out of **Serampore** Police Station Case No. **213 of 2018** dated **02.05.2018** under Sections **302/201** of the Indian Penal Code.

-And-

**In the matter of : Md. Chand @ Mainurjama @
Mainuzama**

... .. Petitioner

Ms. Kanchan Gupta, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh,

Mr. Apurba Kr. Datta, Advocates

... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of the co-accuseds who were enlarged on bail by this Hon'ble Court. However unfortunately, such co-accuseds did not appear on one date and, therefore, the bail granted was cancelled. He submits that the petitioner cannot be faulted for the infraction of the co-accuseds subsequent to the grant of bail.

Learned advocate appearing for the State acknowledges the fact that the petitioner stands on the same footing as that of the co-accuseds who were granted bail by this Hon'ble Court.

The infraction of the co-accuseds who obtained the bail, subsequent thereto, should not be foisted in absence of any other compelling material.

Considering the fact that the petitioner stands on the same footing as that of the co-accuseds who were granted bail by this Hon'ble Court, 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 Additional Chief Judicial Magistrate, Serampore, Hooghly** 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) 871 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)