

08.07.2022
cm/ct 28
sl no. 15

C.R.M. (DB) 2157 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No. 103 of 2018 dated 03.03.2018 under Sections 302/201/34 of the Indian Penal Code, and Section 25/27 of the Arms Act and charge sheet submitted under Section 302/201/307/34 of the Indian Penal Code.

Allowed

In Re : Chipa @ Chiparul Khamaru

..... petitioner

Mr. Dilip Kumar Maiti

..... for the petitioner

Mr. Neguive Ahmed, Ld. A.P.P.

Mr. Ayantika Ray

Mr. Arup Sarkar

..... for the State

Petitioner is in custody for 234 days. Co-accused Aowal Mallick @ Vasan @ Awal has been enlarged on bail in CRM (DB) 1765 of 2022.

Learned Additional Public Prosecutor for the State opposes the prayer for bail. He submits that the petitioner had absconded. Trial is in progress.

We have considered the materials on record. Petitioner stands on the same footing with Aowal Mallick @ Vasan @ Awal. Keeping in mind the facts and circumstances of the case and as co-accused has been granted bail, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia on condition

that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) No. 2157 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)