

20.07.2022
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allowed

CRM(DB) No. 2395 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 26 of 2022 dated 13.01.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Delwar Hossain @ Dilbar petitioner

Mr. Kazi M. Rahman

.....for the petitioner

Ms. Z. N. Khan

..... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 187 days. Co-accuseds have been enlarged on bail/anticipatory bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as co-accuseds have been granted bail/anticipatory bail, we are inclined to extend the same privilege 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, Malda, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner

whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)