

29.09.2022
tkm/ct 28
sl no. 112

C.R.M. (DB) 3429 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 221 of 2022 dated 29.3.2022 under sections 341/325/326/307/302/34 of the IPC

and

Allowed

In Re : Tipu Sultan & Anr.

..... petitioners

Mr. S Majumder

..... for the petitioners

Ms. Z N Khan

Md. Kutubuddin

..... for the State

Petitioners are in custody for 182 days. It is submitted investigation is complete. There was free fight between the parties and the associates of the petitioners were also injured. They are not the principal assailant. They pray for bail.

Learned lawyer for the State opposes the prayer for bail and submits petitioners were members of a group who had assaulted the victims one of them died.

We have considered materials on record. Statements of witnesses show there was a free fight. Associates of the petitioners also suffered injuries. They are not the principal assailants. Whether petitioners shared common intention to murder requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the extent of complicity of the petitioners in the alleged crime and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like

amount each, one of whom must be local to the satisfaction of the learned CJM, Nadia at Krishnanagar on condition that the petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 3429 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)