

29.09.2022
125
tkm/sdas
allowed

CRM(DB) No. 3442 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 169 of 2021 dated 12.10.2021 under Sections 302/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Khalek Sk. @ Abdul Khalek petitioner

Mr. A. A. Alamgir
Ms. Rabia Khatun

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Trina Mitra

..... for the State

Petitioner renews his prayer for bail.

Learned Counsel for the petitioner submits he is in custody for 350 days.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Petitioner is the father of the principal accused. There was enmity between the parties. Statements of the witnesses show son of the petitioner i.e. Rintu Sk. had fired at the victim.

In view of the extent of complicity of the petitioner in the crime and his advanced age i.e. over 70 years and as there is little progress in the matter since rejection of bail by this Court, we are inclined in granting bail to him.

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, Murshidabad at Berhampore, on condition 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)