

18.10.2022

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RKB/adeb

C.R.M. (DB) 3694 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chapra Police Station** Case No. **553 of 2021** dated **20.12.2021** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: Nayeb Sekh

....petitioner.

Mr. Rabiul Islam

Mr. Raju Mondal

...for the petitioner.

Mr. Provas Bhattacharya

Mr. Suman De

...for the State.

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 164 days.

The petitioner is not named in the statement recorded under Section 164 of the Code of Criminal Procedure.

Learned advocate appearing for the State draws the attention of the Court to the statement of the eyewitnesses recorded under Section 161 of the Code of Criminal Procedure.

He submits that the weapon was recovered from the leading statement of the petitioner.

He submits that the prayer for bail of the other co-accused was rejected.

Statements of the victim recorded under Section 164 of the Code of Criminal Procedure does not name the petitioner. The police filed charge sheet.

The petitioner is in custody for 164 days.

In view of the period of detention of the petitioner and in view of the fact that the petitioner is not named in the statement recorded under Section 164 of the Code of Criminal Procedure, we grant bail to the petitioner.

Accordingly, the petitioner 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 Chief Judicial Magistrate, Nadia subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Accordingly, CRM (DB) 3694 of 2022 is disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)

