

07.11.2022  
Sl. No.82  
akd  
[PARTLY  
ALLOWED]

**C. R. M. (DB) 3888 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.11.2022 in connection with Deganga Police Station Case No. 1011 of 2014 dated 22.12.2014 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.441 of 2014)

And

In Re: ***Mahibulla Sardar @ Mintu & Anr.***

... .. Petitioners

Mr. Sumanta Chakraborty

... .. for the petitioners

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Ayantika Roy

... .. for the State

Petitioners pray for bail. It is submitted on behalf of the petitioners that prayer for bail of petitioner no.1 was rejected earlier and there is no progress in the matter since then.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioner no.1 is the person who assaulted the victim on the head resulting in his death. Keeping in mind the aforesaid circumstances, we are not inclined to grant bail to the petitioner no.1 namely, ***(1) Mahibulla Sardar @ Mintu*** at this stage.

However, in view of the extent of complicity of petitioner no.2 in the alleged crime and as he is an elderly person, we are of the opinion further detention of the accused/petitioner no.2 is not necessary.

Therefore, the accused/petitioner no.2 namely ***(2) Ayub Ali Sardar***, 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, North 24-Parganas at Barasat subject to condition that the said petitioner no.2 shall appear before the trial court on every date of hearing until further orders 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 for bail is thus disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**