

28.11.2022
SI. No.20
akd
[ALLOWED]

C. R. M. (DB) 4110 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.11.2022 in connection with Khargram Police Station Case No. 301 of 2018 dated 20.11.2018 under Sections 341/323/325/326/307/34 of the Indian Penal Code.

And

In Re: ***Mustakim Sk.***

... .. Petitioner

Mr. Manas Kumar Das

... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor

Mr. S. Deb Roy

... .. for the State

It is submitted on behalf of the petitioner that he was initially on bail. He was kidnapped by miscreants. As a result, he was unable to appear before the court below. His bail prayer came to be cancelled. It is further submitted co-accused viz. Rohim Sk. @ Abdur Rahim Sk. is on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Incident occurred in the course of a sudden quarrel. Petitioner was on bail earlier. He failed to appear due to circumstances beyond his control. Under such circumstances and as co-accused viz. Rohim Sk. @ Abdur Rahim Sk. has been enlarged on bail, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Mustakim Sk.***, 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad subject to condition that the said

petitioner 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, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)