

28.11.2022  
43  
sdas  
allowed

**CRM(DB) No. 4170 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 257 of 2021 dated 6.6.2021 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act subsequently charge-sheeted under Sections 302/34 of the Indian Penal Code.

And

In Re : Kalu Dafadar ..... petitioner

Mr. Prabir Majumder  
Mr. Snehansu Majumder  
.....for the petitioner

Mr. Madhusudan Sur, learned APP  
Mr. Manoranjan Mahata  
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 283 days. It is also submitted that he is not named in the F.I.R. His name also does not transpire from the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure.

Learned Counsel appearing for the State opposes the prayer for bail and submits bail prayer of co-accused, Arnab Sarkar @ Guddu was turned down by this Court in September, 2022. Petitioner had absconded for a considerable period of time.

We have considered the materials on record. Petitioner was not named in the F.I.R. Unlike Arnab Sarkar @ Guddu, his name has not transpired from the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. He is in custody for a considerable period of time. There is little

possibility of the trial concluding in the near future. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

**(Joymalya Bagchi, J.)**