

15.12.2022.
25.
as
(Partly
Allowed).

C.R.M. (DB) 4383 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P. S. Case No.22 of 2022 dated 30.01.2022 under Sections 279/338/325/307/427/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Sarajit Biswas @ Madhai & Anr.
... Petitioners.

Mr. Dhananjay Banerjee,
Mr. Omar Faruk Gazi,
Ms. Oindrila Ghosh.
...for the Petitioners.

Mr. Neguive Ahamed, Id. A.P.P.,
Ms. Jonaki Saha.
.....for the State.

Petitioners are in custody for about 310 days and 240 days respectively. It is contended co-accused viz., Achinta Mandal @ Achinta Kumar Mondal has been granted bail. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner No.2 stands on the same footing with co-accused viz., Achinta Mandal @ Achinta Kumar Mondal. But statements of witnesses implicate the petitioner no.1 in the assault of the victim.

Under such circumstances, we are not inclined to grant bail to the petitioner No.1 viz., Sarajit Biswas @ Madhai.

Accordingly, the prayer for bail of the petitioner No.1 viz., Sarajit Biswas @ Madhai is rejected.

However, we are inclined to grant bail to the petitioner No.2 on parity.

Accordingly, the petitioner No.2 viz., Biman Biswas 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 Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that he 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 the petitioner No.2 viz., Biman Biswas fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)