

20.12.2022
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allowed

CRM(DB) No. 4434 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 735 of 2021 dated 21.06.2021 under Sections 363/365 of the Indian Penal Code and charge-sheet submitted under Sections 363/365/302/120B of the Indian Penal Code.

And

In Re : Sk. Niyamul petitioner

Mr. Ranjit Singh

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Arijit Ganguly

Mr. Arani Bhattacharya

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than one year. It is also submitted that co-accuseds are on bail. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Co-accuseds, similarly circumstanced with the petitioner, are on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

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, Howrah, 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.)