

21.12.2022
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allowed

CRM(DB) No. 4497 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 06.06.2021 under Sections 302/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and charge-sheet submitted under Sections 302/34 of the Indian Penal Code.

And

In Re : Kanchan @ Pratik Bhowmick petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
Ms. Sangeeta Chakraborty
.....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 275. 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 and submits petitioner has criminal antecedents.

We have considered the materials on record. Petitioner is similarly circumstanced with the co-accuseds who are on bail. 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 Krishnagar, on further conditions that while on bail the petitioner

shall remain within the jurisdiction of Nakashipara Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Nakashipara Police Station once in a week until further orders. 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.)