

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Through Video Conference)**

29.06.2022
cm/ct 28
JC no. 9

C.R.M. (DB) 205 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No. 49 of 2022 dated 14.03.2022 under Sections 302/34 of the Indian Penal Code, 1860.

Allowed

In Re : Kashem Mia @ Abdul Kashem @ Abul Kashem Mia
..... petitioner

Mr. Arnab Saha

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P.

Mr. Tapan Bhattacharjee

Mr. Ujjwal Luksom

..... for the State

Petitioner is in custody for over 100 days. It is contended that he is not the principal accused and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including statement of witnesses recorded under Sections 161/164 Cr.P.C. Statement of witness recorded under Section 164 Cr.P.C. does not identify him as one of the assailants. Keeping in mind the extent of complicity of the petitioner, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

Accordingly, the petitioner 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

ACJM, Mathabhanga on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM(DB) No. 205 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)