

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

26.07.2022
cm/ct 28
sl no. 7

C.R.M. (DB) No. 269 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.

And

Allowed

In Re : Abdul Kaiyam Miah @ Kaiyum Miah @ Kayum Mia
..... petitioner

Mr. Arnab Saha
..... for the petitioner

Mr. Aditishankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy
..... for the State

Petitioner is in custody for 114 days. He submits that investigation is complete. He further submits co-accused has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail. He submits on the leading statement of the petitioner a lathi was recovered.

We have considered the materials on record including statement of witnesses recorded under Section 164 Cr.P.C. The witnesses stated that the assailants wore mask and they could not be identified.

In view of the aforesaid fact and as co-accused has been enlarged on bail, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar

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 petitioner 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. 269 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)