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allowed

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CRM(DB) No. 369 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 56 of 2022 dated 20.03.2022 under Sections 147/447/302/34 of the Indian Penal Code.

And

In Re : Chamidul Mia @ Samidul Mia petitioner

Mr. Subhasish Misra

.....for the petitioner

Mr. Aditi Sankar Chakraborty, learned APP

Mr. Ujjwal Lutsom

Mr. Biswarup Roy

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 162 days. It is also submitted that he is not the principal accused. There was a fight between two groups over the land. He has been falsely implicated in the instant case. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the eye-witness recorded under Section 164 of the Indian Penal Code. Eye-witness states co-accused, Anisur, had hit the victim on the head with a lathi. Though presence of the

petitioner is noted it must be borne in mind that there was a free fight between the parties.

Keeping in mind the aforesaid facts, extent of complicity of the petitioner in the alleged crime and period of detention suffered by the petitioner and as investigation is complete, we are inclined in granting bail to him.

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 Additional Chief Judicial Magistrate, Mathabanga, Cooch Behar, subject to condition that the 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.)