

12.10.2022
JCB 2
Ct.No.28
Sourav/
Suvayan
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (DB) 376 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. **56** of **2022** dated **20.03.2022** under Section **447/341/325/326/307/34** of the Indian Penal Code.

In the matter of : **Delowar Hossain**

.... Petitioner.

Mrs. Matan Chakraborty

...for the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Nilay Chakraborty
Mr. Biswarup Roy

....for the State.

Petitioner is in custody for 205 days. It is submitted co-accused Chamidul Mia @ Samidul Mia has been enlarged on bail. It is also submitted there was a free fight between two groups. Petitioner is not the principal accused.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show petitioner is not the principal accused. Co-accused Chamidul Mia @ Samidul Mia has been enlarged on bail.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, 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 any 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)