

02.02.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (DB) 5 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.12.2022 in connection with Palashipara Police Station Case No.326 of 2022 dated 11.09.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re: **Rahul Sk.**

... .. Petitioner

Mr. S. Ray
Mr. Ibrahim Shaikh
Ms. Benazir Shaikh
Mr. Subrata Mukherjee

... .. for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 110 days. It is further submitted there is no material to show that the victim suffered homicidal death. Co-accused has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused has been enlarged on bail. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Rahul Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further

orders 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)