

10.01.2023

32

sdas

Allowed

C.R.M. (DB) No. 73 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 279 of 2022 dated 01.04.2022 under Sections 302/201 of the Indian Penal Code and subsequently charge-sheeted under Sections 302/364/201/34 of the Indian Penal Code.

And

In Re : Md. Babar Ali @ Md. Babor Ali petitioner

Mr. Sagar Saha

.....for the petitioner

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

....for the State

Learned Counsel for the petitioner submits he is in custody for 278 days. It is also submitted that co-accuseds are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner has criminal antecedents. He had threatened the victim.

We have considered the materials on record. Nature of accusation against the petitioner is same as co-accuseds who are on bail. In view of the aforesaid fact, we are of the opinion he may be released on bail, however, subject to strict conditions.

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 Chief Judicial Magistrate, Malda on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter the jurisdiction of the Baishnabnagar Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge of the Kaliachak Police Station within whose jurisdiction he shall presently reside once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)