

17.01.2023.
32.
as
(Allowed)

C.R.M. (DB) 175 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.302 of 2022 dated 13.05.2022 under Sections 341/325/326/307/34 of the Indian Penal Code and added Section 302 of the Indian Penal Code.

In the matter of : Anarul Sk @ Anarul Hossain Sk @ Anowar.
.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.

...for the State.

Petitioner is in custody for 241 days. It is submitted there was a free fight between the parties. Co-accuseds are on bail. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. She submits the victim named the petitioner as one of the assailants. Other assailant viz., Bablu Sk is absconding.

We have considered the materials on record. Co-accused including Sahidul Sk. @ Sohikul Sk. is on bail. Sahidul Sk. @ Sohikul Sk was also named by the victim as one of the assailants. Apprehension of Bablu Sk (who is not a relation of the petitioner) may not require his further detention.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Anarul Sk @ Anarul Hossain Sk @ Anowar 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, Nadia at Krishnanagar subject to condition that he 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 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)