

16.02.2023.
41.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 612 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah P. S. Case No.133 of 2022 dated 09.03.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : Arnab Sarkar.

.... Petitioner.

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Petitioner is in custody for 335 days. It is submitted he is not the principal accused. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for recording evidence.

We have considered the materials on record. Petitioner is not the principal offender. Whether he shared common intention to murder the victim may be thrashed out during trial.

Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Arnab Sarkar 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, Kalyani, Nadia 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.)