

24.02.2023
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Partly Allowed

CRM (DB) No. 759 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 526 of 2022 dated 17.09.2022 under Sections 302/201/120B/34 of the Indian Penal Code.

And

In Re : Sohikul Sk. @ Saidul Sk & Ors. petitioners

Mr. Kallol Kumar Basu
Mr. Jannat Ul Firdous

.....for the petitioners

Mr. Swapan Banerjee
Ms. Purnima Ghosh

....for the State

Mr. Jisan Iqubal Hossain

.... for the de facto complainant

Learned Counsel for the petitioners submits they are in custody for 90 days. Investigation is complete. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure show petitioners no. 1 and 2 had called the victim. Thereafter he was killed. In view of the aforesaid incriminating materials we are not inclined to grant bail to the petitioner nos. 1 and 2.

The application for bail in so far as petitioner nos. 1 and 2 viz. 1) Sohikul Sk. @ Saidul Sk. and 2) Akbar Sk. is, thus, rejected.

Keeping in mind the extent of complicity of the petitioner nos. 3 and 4 and as the seizure had been made from an open place accessible to all, we are inclined to grant bail to them.

Accordingly, we direct that the petitioner nos. 3 and 4 viz. 3) Habibur Sk. @ Rahaman and 4) Aisarul Sk. @ Imarul Sk. shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, Kandi, Murshidabad, subject to the condition that the petitioner nos. 3 and 4 shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner nos. 3 and 4 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner nos. 3 and 4 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner nos. 3 and 4 are concerned.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

