

27.02.2023

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Ct. No. 29

**CHC  
ALLOWED**

**C.R.M.(DB) 777 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **221 of 2022** dated **29.03.2022** under Sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In the matter of: Imran Sk @ Shaikh @ Sekh

..... petitioner

Ms. Minoti Gomes,  
Mr. Amanul Islam,  
Mr. Sourav Mukherjee

....for the petitioner

Mr. Neguive Ahmed, Ld. A.P.P.  
Mr. Iqbal Kabir

....for the State

Mr. Somanta Das,  
Ms. Mallika Manna

...for the de facto complainant

Four co-accuseds were enlarged on bail by order dated September 29, 2022, and November 3, 2022, on the ground *inter alia* that, there was a free fight.

Such co-accuseds were not principal assailants.

The petitioner before us, is standing on the same footing as that of the other four co-accuseds who were enlarged on bail.

Petitioner was a part of the wrongful assembly. Whether the petitioner share shared common intention to murder is the issue which is to be decided at the trial.

In such circumstances, considering the extent of complicity of the petitioner in the incident and the period of detention suffered, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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 Chief Judicial Magistrate, Krishnanagar, Nadia, subject to the condition that the petitioner 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 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**