

13.03.2023.
120.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 849 of 2023

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

In the matter of : Kadam Sk.

.... Petitioner.

Ms. Chandrima Debnath.

...for the Petitioner.

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

...for the State.

Ms. Minoti Gomes.

...for the de-facto complainant.

Petitioner is in custody for 174 days. He submits co-accused similarly circumstanced with petitioner has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Case is based on circumstantial evidence. Statements of witnesses do not show that the victim had been called by the petitioner. He stands on the same footing with the other accuseds who are on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioners viz., Kadam Sk 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, Kandi, Murshidabad 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.)