

20.03.2023
tkm/ct 28
sl no. 45

C.R.M. (DB) 905 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ausgram PS case no. 283 of 2021 dated 8.9.2021 under sections 302/307/120(b) IPC and 25/27 of the Arms Act

and

Allowed

In Re : Sk. Sher Ali

..... petitioner

Mr. K Mondal
Mr. Jisan Hossain

..... for the petitioner

Mr. Sudip Ghosh
Mr. A K Datta

..... for the State

Petitioner is in custody for more than a year. He submits co-accuseds have been granted bail. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. We note most of the co-accuseds have been enlarged on bail. Though the slight variation between the role of the petitioner and the co-accuseds, taking the totality of circumstances into account and as there is little possibility of the trial concluding in the near future, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner 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 CJM, Purba Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 905 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)