

21.03.2023
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allowed

CRM(DB) No. 1008 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan Police Station Case No. 300 of 2022 dated 30.10.2022 under Sections 341/325/307/302/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 341/326/307/302/34 of the Indian Penal Code .

And
In Re : Ujjwal Mia petitioner

Ms. Minoti Gomes
Md. Hafiz Ali
Ms. Shanta Sarkar
.....for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
..... for the State

Mr. Manas Kumar Das
..... for the defacto complainant

Learned Counsel for the petitioner submits he is in custody for 140 days. Co-accuseds are on bail. He is not the principal accused. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the defacto complainant also opposes the prayer for bail.

We have considered the materials on record. Petitioner does not appear to be the principal accused. Co-accuseds are on bail. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 140 days, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Sessions Judge, Kandi, Murshidabad, subject to the condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)