

03.04.2023
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allowed

CRM(DB) No. 1308 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra Police Station Case No. 553 of 2021 dated 20.12.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Bakker Ali Sk. @ Baker Ali Sk. petitioner

Mr. Partha Pratim Das

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

.... for the State

Learned Counsel for the petitioner submits he is in custody for 400 days. It is also submitted his name does not transpire from the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Co-accused, Rafik Sk. @ Rafikul Sk. is on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits name of the petitioner transpires from the statements of witnesses under Section 161 of the Code of Criminal Procedure.

We have considered the materials on record. Statements of witnesses recorded under Section 161 of the Code of Criminal Procedure implicate the petitioner as well as Rafik Sk. @ Rafikul Sk. Name of Rafik Sk. @ Rafikul Sk. did not appear in the statements of witnesses under Section 164 of the Code of Criminal Procedure and he has been enlarged on bail. Petitioner

stands on the same footing with co-accused, Rafik Sk. @ Rafikul Sk. and he may also be extended the same privilege.

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 Chief Judicial Magistrate, Nadia at Krishnanagar, subject to conditions 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.)