

10.04.2023
tkm/ct 28
sl no. 61

C.R.M. (DB) 1412 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Salar PS case no. 216 of 2021 dated 31.10.2021 under sections 302/34 IPC and under sections 3/4 of the Explosives Substances Act, charge sheet submitted under sections 302/286/120B IPC

and

Allowed

In Re : Bhulu Sk

..... petitioner

Mr. Arnab Chatterjee

Ms. D Biswas

Ms. P Bose

..... for the petitioner

Ms. Z N Khan

Md. Kutubuddin

..... for the State

Md. Hafiz Ali

..... for the de facto complainant

Petitioner is in custody for more than nine months. He submits he is not the principal accused. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits accused are threatening witnesses.

We have considered the materials on record. Petitioner is not the principal accused who dealt the fatal blow. Threat to witnesses may be addressed by restricting movement of the petitioner.

Under such circumstances, we are inclined to grant bail to the petitioner however, subject to conditions.

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 ACJM, Kandi, Murshidabad 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Salar P.S until further orders and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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) 1412 of 2023 is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)