

11.04.2023
56
sdas
allowed

CRM(DB) No. 1428 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 921 of 2022 dated 16.10.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Bijoy Mondal @ Mandal petitioner

Mr. Partha Pratim Das

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for 55 days. It is contended there is no direct evidence connecting him with the crime. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege 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 Chief Judicial Magistrate, Tehatta, Nadia 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.)