

19.04.2023
tkm/ct 28
sl no. 40

C.R.M. (DB) 1549 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hogalberia PS case no. 157 of 2022 dated 1.5.2022 under sections 341/325/302/34 IPC

And

Allowed

In Re : Saiful Shah

..... petitioner

Mr. Anit Dey

..... for the petitioner

Mr. R D Nandy

Mr. Subrato Roy

..... for the State

Petitioner is in custody for 350 days. He submits co-accused Manuyara Shah has been enlarged on bail. He prays for bail.

Learned lawyer for the State opposes the bail. He submits bamboo sticks were recovered from the petitioner.

We have considered the materials on record. One Shilpa Shah supplied a weapon and Nowshad stabbed the victim. No sharp cutting weapon was recovered from the petitioner.

Keeping in mind the aforesaid circumstances and the extent of complicity of the petitioner in the alleged crime, we are inclined to grant bail to the petitioner.

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, Tehatta, Nadia 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) 1549 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)