

10.05.2023  
tkm/ct 28  
sl no. 52

**C.R.M. (DB) 1841 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak PS case no. 1503 of 2022 dated 31.12.2022 under sections 302/120B/34 of the IPC and 25/27 of the Arms Act

And

**Allowed**

In Re : Shrikanta Pramanik @ Srikanta Pramanik @ Monoj  
..... petitioner

Mr. Wasim Akram

..... for the petitioner

Mr. N Ahmed

Ms. Amita Gaur

..... for the State

Petitioner submits he is not the principal accused. He has been falsely implicated in the case. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits that the principal accused had made phone call to the victim through the mobile phone of the petitioner. Petitioner had also taken him in his motorcycle to the spot.

We have considered the materials on record. Even if one believes that the principal accused had borrowed phone of the petitioner to make phone call, the said circumstance by itself would not implicate him in the murder. There is no evidence that the petitioner had escorted the principal accused in his motorcycle to the spot.

Under such circumstances, 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

CJM, Malda 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) 1841 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**