

17.05.2023.
40.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1967 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.104 of 2017 dated 10.02.2017 under Sections 302/34 of the Indian Penal Code read with Section 27 of the Arms Act.

In the matter of : Silu Sk @ Shilu Sk. @ Md. Shilu Sk.
@ Wased Sk.

.... Petitioner.

Ms. Minoto Gomes,
Mr. Mounick Ghosh.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya.

...for the State.

Petitioner is in custody for six years and three months. He submits co-accused have been granted bail. He stands on the same footing with the co-accused. There is no possibility of trial concluding in the near future. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits fire arm was recovered from the possession of the petitioner.

We have considered the materials on record. Petitioner and co-accused stand on the same footing vis-a-vis their participation in the attack on the victim. Co-accused are on bail. There is no possibility of trial concluding in the near future.

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

Accordingly, the petitioner viz., Silu Sk @ Shilu Sk @ Md. Shilu Sk @ Wased Sk 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 District and Sessions Judge, 5th Court, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)