

18.05.2023
Sl. No.49
akd
[ALLOWED]

C. R. M. (DB) 2033 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2023 in connection with Krishnagar Kotwali Police Station Case No.43 of 2022 dated 11.10.2022 under Sections 343/323/326/34/307 of the Indian Penal Code.

And

In Re: ***Kamal Biswas***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 60 days. It is further submitted he is not the principal assailant. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is not the principal assailant. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Kamal Biswas***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar subject to condition that the said petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)