

08.06.2023
23
sdas
allowed

CRM(DB) No. 2156 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 385 of 2022 dated 15.05.2022 under Sections 447/342/363/365/506/323/120B/34 of the Indian Penal Code and subsequently charge-sheet submitted under Sections 302/201/120B of the Indian Penal Code.

And

In Re : Md. Dulal alias Saddam Hossain & Anr. petitioners

Mr. Susnigdho Bhattacharyya

Ms. Bidisha Chakraborty

....for the petitioners

Mr. Neguive Ahmed, learned APP

.... for the State

Ms. Minoti Gomes

Mr. Ashok Ahammed

.... for de facto complainant

Learned Counsel for the petitioners submits they are in custody for 280 and 376 days respectively. It is also submitted that co-accused Isop Ali @ Yusof Ali has been enlarged on bail.

Learned Counsel for the de facto complainant opposes the prayer for bail.

We have considered the materials on record. Isop Ali @ Yusof Ali has been enlarged on bail. Keeping in mind the extent of complicity of the petitioners in the crime and as the aforesaid co-accused is on bail, we are inclined to extend the same privilege to them.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda,

subject to conditions that they 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 and on further conditions that while on bail petitioners shall not enter the jurisdiction of Harishchandrapur Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where they shall reside while on bail to the investigation officer as well as the court below and report to the officer-in-charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)