

07.07.2023
Sl. No.42
akd
[ALLOWED]

C. R. M. (DB) 2706 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.07.2023 in connection with Malda Police Station Case No.25 of 2023 dated 24.01.2023 under Sections 302/201//34 of the Indian Penal Code. (G.R. Case No.477 of 2023)

And

In Re: ***Tajibur Rahaman @ Swapan***

... .. Petitioner

Mr. Sagar Saha

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Amita Gaur

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 160 days. Co-accused has been enlarged on bail. Accordingly, he prays for bail on parity.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Co-accused has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Under such circumstances, we are inclined to extend the same privilege to the petitioner also however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Tajibur Rahaman @ Swapan***, 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, Malda 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 and on further condition that the petitioner, while on bail, shall not enter the district of Malda except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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.)