

02.08.2023
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allowed

CRM(DB) No. 3058 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 767 of 2022 dated 21.11.2022 under Sections 302/34 of the Indian Penal Code.

And

In Re : Wasiful Alam @ Asikul Alam petitioner

Mr. Sabir Ahmed
Md. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Taslim Ahmed
Mr. Dhimon Banerjee

....for the petitioner

Mr. Nequive Ahamed, learned APP
Ms. Trina Mitra

..... for the State

Learned Counsel for the petitioner submits he is in custody for 217 days. It is also submitted that he is not the principal accused. Co-accused are on bail.

Learned Counsel for the State opposes the prayer for bail and submits co-accused were womenfolk and petitioner does not stand on the same footing with them. He had absconded along with the principal accused.

We have considered the materials on record. One Jamal Sk., principal accused, is in custody. Keeping in mind the extent of involvement of the petitioner in the crime which occurred in the course of a family dispute we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to conditions that petitioner 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.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)