

28.08.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3308 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Goalpokher Police Station Case No.75 of 2023 dated 18.02.2023 under Sections 147/148/149/326/307/302/506/34 of the Indian Penal Code read with Sections 25(1A)/27/35 of the Arms Act. (G.R. Case No.394 of 2023)

And

In Re: ***Sahid @ Md. Sahid Reza***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Mr. Shahnayar Alam
Mr. Sourov Mondal

... .. for the petitioner

Mr. M. N. Chowdhury
Mr. M. A. Salik

... .. for the de-facto complainant

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 189 days. It is further submitted petitioner is not the principal accused. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner does not appear to be the principal accused. No weapon of offence was recovered from his possession. No overt act is also attributed to him. He stands on the same footing with co-accused viz. Sahadat Raza @ Shahadat Raja, Sardar Ahmed @ Sardar Alam, Saklen Mustak @ Johony, Noor Alam and Saha Alam who have been enlarged on bail and not on par with co-accused viz. Golam Mohammed whose

bail prayer has been rejected. 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.

5. Therefore, the accused/petitioner, namely **Sahid @ Md. Sahid Reza**, 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 Additional Chief Judicial Magistrate, Islampur, Uttar Dinajpur 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)