

18.09.2023
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allowed

CRM(DB) No. 3616 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali Police Station Case No. 270 of 2023 dated 26.03.2023 under Sections 326/307/34 of the Indian Penal Code.

And

In Re : Avijit Chowdhury @ Chotu petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 177 days. Co-accused is on bail. He prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. We have considered the materials on record. Co-accused is on bail. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

4. 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 Chief Judicial Magistrate, Nadia at Krishnagar, 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)