

17.11.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 4168 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2023 in connection with Karimpur Police Station Case No.22 of 2022 dated 30.01.2022 under Sections 279/338/325/307/427/34/302 of the Indian Penal Code. (G.R. Case No.798 of 2022)

And

In Re: **Shyamal Sarkar @ Biswas**

... .. Petitioner

Mr. Asraf Mandal

... .. for the petitioner

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

Ms. Trina Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 653 days. It is further submitted vital witnesses have been examined. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Petitioner stands on the same footing with co-accused who have been enlarged on bail. 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.
4. Therefore, the accused/petitioner, namely **Shyamal Sarkar @ Biswas**, 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, Tehatta, Nadia 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)