

23.11.2023
tkm/ct 28
sl no. 51

C.R.M. (DB) 4410 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 486 of 2023 dated 15.6.2023 under sections 302/120B of the IPC
and

Allowed

In Re : Dhanu Khan petitioner

Mr. S Das
..... for the petitioner

Mr. Debasish Roy,
Mr. Anand Keshari
..... for the State

1. Petitioner is in custody for 233 days. He submits there is no direct evidence connecting him with the crime. Co-accused Nasima Bibi has been granted pre-arrest bail. Another co-accused Lokman Sk has been granted bail. Accordingly, he prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner was seen at the place of occurrence. Co-accused Lokman Sk gave a false explanation with regard to death. Thereafter, he made an extra judicial confession implicating himself and other co-accused including the petitioner.
3. We have considered the materials on record. Involvement of the petitioner essentially hinges on the extra judicial confession of a co-accused. The said co-accused Lokman Sk is on bail. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by the petitioner i.e. 233 days we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner 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

CJM Nadia at Krishnanagar on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 4410 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)