

October 9, 2023.

**Ks
Sl.10**

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM(DB) 623 of 2023

In re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 26.9.2023 in connection with Sitalkuchi P.S. Case No.152 of 2023 dated 26.5.2023 under Sections 302 and 109 of the IPC.

In the matter of: Manirul Miah @ Miya.

.... Petitioner.

Mr. Satyam Sarkar,
Mr. Haider Ali

... for the Petitioner.

Heard learned Advocates appearing for the parties.

This is an application for bail under Section 439 of the Cr. P.C.. Petitioner is a co-accused person and it is the case of the petitioner that petitioner stands on the same footings as of the another co-accused, who has already been granted bail by the order of this court dated 31st August, 2023, in CRM(A) 706 of 2023 copy of which has been annexed as Annexure "D" to this application. Petitioner is in custody for 76 days. The allegation is that the principal accused being instigated by the co-accused persons Nos. 2-5 committed murder of the victim. The persons who are allegedly instigated the principal accused person to commit the offence are on bail.

Learned Advocate representing the State has not contradicted the submission of the learned Advocate appearing for the petitioner that another three co-accused persons standing on the same footings have already been granted bail by another co-ordinate Bench of this Court.

Considering the facts and circumstances of the case which appears from record and submission of the parties we are inclined to hold that further detention of the present petitioner will not serve any purpose. In view thereof, petitioner may find bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the Ld. CJM, Cooch Behar.

CRM 623 of 2023 is disposed of.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)