

22.01.2024
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allowed

CRM(DB) No. 101 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnanagar GRPS Police Station Case No. 12 of 2021 dated 14.12.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Naren Ghosh petitioner

Mr. Soubhik Mitter
Mr. Litan Maitra
Ms. Rajnandini Das
Mr. Chitrak Biswas

....for the petitioner

Mr. Arijit Ganguly
Ms. Puspita Saha

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and twenty days. It is also submitted eye-witnesses have not implicated the petitioner in the crime. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused have thrown victim from a railway compartment. Report submitted is placed on record.

3. We have considered the materials on record. Eye-witnesses have not attributed specific role to the petitioner in the crime. Under similar circumstances co-accused have been enlarged on bail. Accordingly, we are inclined to extend the similar privilege to the petitioner also.

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, Krishnangar subject to condition that petitioner shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 of the Code of Criminal Procedure. He shall not leave the District in which he is staying except for coming to the court on the date of substantive hearing without leave of the trial court.

5. In the event petitioner fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)