

20.02.2024  
tkm/ct 28  
sl no. 45

**C.R.M. (DB) 516 of 2024**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Simlapal PS case no. 111 of 2023 dated 15.7.2023 under sections 147/148/149/506/325/302/120B IPC charge sheet submitted under sections 447/341/323/325/302/120B IPC and

**Allowed**

In Re : Amiya Duley

..... petitioner

Mr. Samiran Mandal

Mr. A Dan

Mr. A Roy

..... for the petitioner

Mr. Koushik Kundu

..... for the State

1. Petitioner is in custody for 180 days. He submits he is not the principal accused. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner had caught hold of the victim.
3. We have considered the materials on record. One Dipak Duley who had also caught hold of the victim is on bail. Petitioner is not the principal accused. He was on the same footing with the said Dipak who is on bail.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, 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 ACJM Khatra 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.

6. 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.
7. The application being CRM (DB) 516 of 2024 is disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**