

05.04.2024.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1013 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No.833 of 2023 dated 03.08.2023 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/34 of the Indian Penal Code.

In the matter of : **Sukru Md.**

.... Petitioner.

Mr. Kaushik Choudhury.

...for the Petitioner.

Mrs. Anasuya Sinha, Id. A.P.P.,
Mr. Prakash Mishra.

...for the State.

1. Petitioner submits he is in custody for 245 days. Co-accused have been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Number of persons had assaulted the victim suspecting him to be a thief. Allegations against the petitioner are general and omnibus. Co-accused similarly circumstanced with petitioner have been enlarged on bail.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioner.
5. Accordingly, the petitioner viz., **Sukru Md.** 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,

Raiganj, Uttar Dinajpur subject to condition that he 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)