

05.04.2024.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1008 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P.S. Case No.529 of 2023 dated 23.11.2023 under Sections 302/34 of the Indian Penal Code and charge sheet submitted under Sections 302/34/201/120B of the Indian Penal Code.

In the matter of : **Gaffar Khan @ Gaffar Kha @ Milan Khan.**
.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Md. G. N. Imrohi.

...for the Petitioner.

Mr. Suman De,
Ms. Kanchan Roy.

...for the State.

1. Petitioner contends he did not participate in the assault. After the assault his car was used to take the victim to hospital. He is in custody for 134 days. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits victim had been mercilessly beaten by co-accused.

3. We have considered the materials on record. He did not participate in the assault but his vehicle was used to carry the dead body to the hospital.

4. Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Gaffar Khan @ Gaffar Kha @ Milan Khan** 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, Berhampore, Murshidabad 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.)