

12.04.2024.
77.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1107 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kultali P.S. Case No.640 of 2022 dated 11.10.2022 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Prodip Kayal @ Pradip Kayal.**

.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam,
Mr. Jyotirmoy Talukder.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Debadrita Mondal.

...for the State.

1. Petitioner is in custody for one year and six months. He submits he is not the principal accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends co-accused are absconding.
3. We have considered the materials on record including the statements of the eyewitnesses before Magistrate. They state Netai Kayal is the principal accused.
4. Keeping in mind the extent of complicity of the petitioner in the crime and as there is no chance of trial concluding in the near future, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Prodip Kayal @ Pradip Kayal** 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 Additional Chief Judicial Magistrate, Baruipur, South 24-

Paraganas 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 the 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.)