

24.04.2024
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allowed

CRM (DB) No. 1284 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 274 of 2023 dated 19.09.2023 under Sections 302/120B/34 of the Indian Penal Code.

And
In Re : Saiful Sk. petitioner

Mr. Niladri Sekhar Ghosh
Mr. Debarshi Brahma
....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Santanu Deb Roy
.... for the State

Mr. Sourat Nandy
.... for de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 83 days. Co-accused are on bail. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. Learned Counsel for the de facto complainant opposes the bail prayer and submits associates of petitioner are threatening witnesses.

4. We have considered the materials on record. Petitioner stands on the same footing with co-accused who have been enlarged on bail. Grievance expressed by the de facto complainant may be addressed by subjecting the petitioner to strict conditions.

5. 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, on further condition that while on bail petitioner shall meet the Officer-in-Charge, Murutia Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)