

09.05.2024
tkm/ct 28
sl no. 51

C.R.M. (DB) 1471 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kankartala P.S case no. 142 of 2023 dated 21.12.2023 under sections 302/120B/34 IPC
and

Allowed

In Re : Sk Sakir & Anr. petitioners

Mr. S Das Mahapatra
Mr. Kunal Ganguly
Mr. K Banerjee

..... for the petitioners

Mr. Saryati Datta
Mr. Abhishek Verma

..... for the State

Mr. Sujoy Sarkar

..... for the de facto complainant

1. Petitioners are in custody for 141 days. They submit they are not the principal accused. They pray for bail.
2. Learned lawyer for the Sate submits petitioners had exerted others to commit the murder.
3. Learned lawyer for the de facto complainant submits victim was brutally murdered with a bolder.
4. We have considered the materials on record. Victim was murdered by co-accused. One of the eye-witnesses stated petitioners had exerted them who assaulted the victim. Other witnesses have not disclosed the role of the petitioners.
5. In view of the nature of evidence on record and extent of their complicity in the crime we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judicial Magistrate Dubrajpur on condition that the

petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event they fail to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel their bail without reference to this court.

8. The application being CRM (DB) 1471 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)