

24.06.2024
Item no. 62.
Court No.28.
AB
(Allowed)

CRM (DB) 1682 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kankartala Police Station Case No.142 of 2023 Dated 21.12.2023 under Sections 302/120B/34 of the Indian Penal Code

And

In the matter of : Sk. Rajibul

.....Petitioner.

Mr. S. Das Mahapatra,
Mr. Kunal Gangulyfor the Petitioner.

Mr. Sanjay Bardhan,
Mr. Soumadip Sahafor the State.

The petitioner is not the prime assailant. One Majibul is the principal assaulter, who killed the victim.

The petitioner is in custody for 132 days. Investigation is complete. Charge sheet has been filed. He prays for bail.

Learned Advocate for the State while opposing the prayer for bail draws our attention to the material in the case diary. He says that the wearing apparel of the petitioner with bloodstains were recovered from the petitioner's house pursuant to leading statement made by him.

We have considered the material on record. It was Majibul, who dealt the fatal blow to the victim. Two other accused persons have been granted bail by this Court by an order dated 9.5.2024 passed in CRM (DB) 1471 of 2024. The

standing of the present petitioner does not seem to be much different from those who have been granted bail.

Therefore, we are inclined to allow this application.

Accordingly, we direct that the petitioner, namely, **Sk. Rajibul** 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 Judicial Magistrate, Dubrajpur, Birbhum and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

