

51.
05-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1935 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No.698 of 2022 dated 01-07-2022 under Sections 341/326/307/354/506/34 of Indian Penal Code.

- A n d -

In the matter of : Setaur Sk

.... Petitioner.

Mr. Md. Wasim Akram

... For the Petitioner.

Ms. Sreyashi Biswas,
Ms. Manasi Roy

... For the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned advocate for the petitioner has submitted that he has been in custody for 149 days. Charge sheet has been submitted. There is no need for further custodial detention of the present petitioner. He should be granted bail on any condition.

Learned advocate for the State has raised objection to the prayer of the petitioner for bail. According to her, there are sufficient incriminating material against the present petitioner showing that he along with others assaulted the victim with sickle. She has also pointed out that two accused persons are still absconding. She says that some accused persons, who were granted bail, have absconded. As such, there is every possibility that if the present petitioner is granted bail, he may abscond.

After considering the material on record and going through the Case Diary, we are inclined to grant bail to the present petitioner since there is no specific averment or

statement by the witnesses that he alone assaulted the victim with sickle.

Accordingly, we direct that the petitioner, namely, **Setaur Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Malda. 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 in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every week until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1935 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)