

18.09.2024
Item no.18.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2302 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Malda P.S. Case No. 211 of 2023** dated **25.04.2023** under **Sections 302/120B/34 of the Indian Penal Code, 1860, and Sections 25/27 of the Arms Act.**

And

In the matter of : Masu Sk.

.....Petitioner.

Mr. Sagar Saha,for the Petitioner.

Mr. Ranadeb Sengupta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on more than one occasion, lastly on May 9, 2024.
2. The petitioner says that he is in custody for 1 year and 4 months. Other co-accused persons who have stronger complicity in the alleged crime, have been granted bail. Only 10 out of 21 charge-sheet named witnesses have been examined. There is little possibility of an early conclusion of the trial.
3. Opposing the prayer for bail, learned State advocate says that the petitioner was the mastermind behind the plot to murder the victim who was the wife of the petitioner. There is sufficient incriminating evidence against the petitioner.

4. We have considered the material-on-record as also the evidence of the prosecution witnesses so far recorded by the learned Trial Court. Keeping in mind that the petitioner has been in custody for about 1 year and 4 months and there is little chance of the trial concluding at an early date and also on an overall assessment of the material-on-record, we are inclined to allow the petitioner's prayer but on stringent conditions.
5. Accordingly, we direct that the petitioner, namely **Masu Sk** 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 Chief Judicial Magistrate, Malda 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.
6. 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.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)