

54.
18-11-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2753 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kandi Police Station Case No.80 of 2024 dated 03-02-2024 under Sections 302/201/34 of the Indian Penal Code.

- A n d -

In the matter of : Suraj Sk.

.... Petitioner.

Ms. Minoti Gomes,
Mr. Md. Hafiz Ali

... For the Petitioner.

Ms. Zareen N. Khan

... For the State.

Mr. Md. Jannat ul Firdous

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity. He cites an order dated August 08, 2024 passed by a coordinate Bench in CRM (DB) 2501 of 2024 whereby a co-accused person, namely, Md. Efrajul Sk @ Deba was enlarged on bail. The petitioner says that he stands on a better footing than that person, as Md. Efrajul Sk is the prime accused.

2. Opposing the prayer for bail, learned State counsel draws our attention to the statement of Safikul Sekh (page 181 of the Case Diary) recorded under Section 164 of the Code of Criminal Procedure. He recorded that he saw the victim and the present petitioner leaving a hospital. Learned counsel further says that the husband of the victim lady, in his statement recorded under Section 161 of the Code of

Criminal Procedure, has stated that the present petitioner used to threaten the victim lady.

3. *Prima facie*, however, it appears that even after Safikul allegedly saw the victim and the petitioner together, the victim was seen with Efrajul. Therefore, it appears that the victim was not last seen with this petitioner.

4. On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, considering that the principal accused, Efrajul has been granted bail, we are inclined to allow this application for bail.

5. Accordingly, we direct that the petitioner, namely, **Suraj 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad. The petitioner shall appear before the learned 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/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

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

7. The application for bail is, thus, **allowed**.

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

9. 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.)