

11.11.2024
Sl. No.58
akd
[ALLOWED]

C. R. M. (DB) 2917 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 29.08.2024 in connection with Khargram Police Station Case No.203 of 2023 dated 09.06.2023 under Sections 341/325/326/307/302/120B of the Indian Penal Code.

And

In Re: ***Tajir Sk.***

... .. Petitioner

Mr. Golam Mustafa
Mr. Samirul Sardar

... .. for the petitioner

Mr. Santanu Talukdar

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for about 170 days. It is further submitted no specific overt act is attributed to the petitioner. Co-accused viz. Jinarul Sk. @ Bucha and Sujauddin Sk. @ Md. Sujauddin have been enlarged on bail. Accordingly, he prays for bail on parity.

2. Learned Advocate for the State opposes the prayer for bail.

3. We have considered the materials on record. Statements of witnesses show petitioner was present at the spot. However, allegations against the petitioner are general and omnibus and no specific overt act has been attributed to him. He stands on the same footing with co-accused viz. Jinarul Sk. @ Bucha and Sujauddin Sk. @ Md. Sujauddin who have been enlarged on bail. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Tajir Sk.***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local,

to the satisfaction of the learned Additional District & Sessions Judge, Kandi, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)