

C. R. M. (DB) 3003 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2024 in connection with Palashipara Police Station Case No. 287 of 2024 dated 16.06.2024 under Sections 447/302/34 of the Indian Penal Code.

And

In Re: ***Israfil Dafadar***

... .. Petitioner

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Ms. Anasuya Sinha
Md. Zubair Alam

... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for five months. No specific overt act is attributed to him. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Weapon recovered from him was not used to commit the murder. Keeping in mind the aforesaid fact and the extent of his complicity in the crime, we are of the opinion he may be enlarged on bail.
4. Therefore, the accused/petitioner, namely ***Israfil Dafadar***, 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 Chief Judicial Magistrate, Tehatta, Nadia 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)