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08-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 542 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sitalkuchi Police Station Case No. 56 of 2022** dated **20.03.2022** under **Sections 147/447/302/34** of the Indian Penal Code.

And

In the matter of : Majidul Miah @ Majibul Miah @ Majibul.

.....Petitioner.

Mr. Aviruddha Biswas,
Mr. Arijit Ghosh,
Ms. Angana Rakshit,
Ms. Rikta Sarkar,for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Sanjiv Das,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that the incident was a free fight between two groups concerning a land dispute. He is not the prime accused. Several persons sustained injuries. One of the injured persons succumbed to the injury. Hence, the charge of murder. He is in custody for more than 225 days. Chargesheet was submitted in 2022. Charge has not yet been framed. Copies have not been supplied under Section 207 Cr.P.C. There are 15 chargesheet named witnesses.
2. Opposing the bail prayer, learned State advocate says that the charge is very grave. All efforts will be made to expedite the trial. There is evidence against this petitioner.

3. We have seen the material in the case diary. It appears that one Chamidul Mia, a co-accused was granted bail by a co-ordinate Bench by an order dated September 30, 2022 passed in CRM(DB) 369 of 2022. In that order, it is recorded that one Anisur is the assailant. Other co-accused persons were present at the scene. It appears to us that the present petitioner although was present at the scene, was not the prime assailant. Considering that, even papers have not been supplied under Section 207 Cr.P.C. there is no likelihood of an early conclusion of the trial. We are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Majidul Miah @ Majibul Miah @ Majibul** 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 Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar 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.
5. 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.

6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)