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08.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 644 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Nakasipara P.S. Case No. 317 of 2024 dated 04.04.2024 under Sections 147/148/149/326/307/302/34 of the Indian Penal Code.

And

In Re : **Mukul Sk.**

... Petitioner.

Ms. Karabi Roy ... for the Petitioner.

Ms. Z. N. Khan

Mr. Prakash Mishra ... For the State.

Heard learned counsels for the parties.

The petitioner seeks parity with co accused Maslem Sk. @ Dulai Sk. who was granted bail earlier.

Learned counsel for the petitioner submits that the petitioner is in custody for about 230 days and stands on the same footing as the co accused.

Learned counsel for the State opposes the prayer and submits that the petitioner has been named by the wife of the victim in her statement recorded under Section 164 of the Code of Criminal Procedure. One of the offending weapons has been recovered pursuant to the leading statement of the petitioner. The petitioner does not stand on the same footing as the co accused who have been granted bail earlier.

I have perused the material on record. The victim's wife has named the petitioner as well as co accused Maslem Sk. in her statement but no specific overt act has been

attributed to the petitioner. A case of joint assault has been made out. The offending weapon was recovered from a paddy field of one Sarkat Mondal on 28th June, 2024, though the petitioner was arrested on 22nd June, 2024. The petitioner appears to be similarly circumstanced with the co accused who was granted bail earlier.

Upon consideration of the material on record as well as period of detention of the petitioner, this Court is of the view that further detention of the petitioner is not required and he may be enlarged on bail on stringent conditions.

The prayer for bail is allowed.

The petitioner, **Mukul Sk.** be released on bail upon furnishing 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 Chief Judicial Magistrate, Nadia subject to condition that he shall not enter the jurisdiction of Nakasipara P.S. except for the purpose of appearing before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall provide the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned Officer in charge of the P.S. where he shall presently reside.

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

The application for bail is thus disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)