

05.05.2025
Item No.13+14
Ct.No.34
rc.
Allowed

C.R.M. (M) 246 of 2025
With
C.R.M. (DB) 945 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakasipara Police Station 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 : **(1) Sumeruddin Sk @ Chumar**
 (2) Soban Sk @ Chuban Sk
 (3) Paimuddin Sk @ Paimuddin
 (4) Saddam Sk

... Petitioners

Mrs. Karabi Roy ... for the Petitioner

Mr. Kaushik Kundu
Mr. Arup Sarkar

... For the State
[in CRM(M) of 246 of 2025]

Mr. Joydeep Biswas
Mr. Soumyadip Saha

... For the State
[in CRM(DB) of 945 of 2025]

Heard learned counsels for the parties.

The petitioners seek parity with the co-accused who have been granted bail earlier.

Learned counsel for the State opposes the prayer and submits that the petitioners do not stand on the same footing as the co-accused on bail since they were named by the minor son of the victim who is an eye witness to the incident.

I have considered the material on record. The minor son of the victim has named the other accused along with the petitioners. The victim's wife has also named other persons who assaulted the victim along with the petitioners. No specific overt act has been attributed to the petitioners who appear to be members of a gang who committed the alleged offence conjointly. The petitioners are similarly circumstanced with the co-accused who have been granted bail earlier and deserve the same benefit.

Accordingly, prayer for bail of the petitioners is allowed.

The petitioners **Sumeruddin Sk @ Chumar, Soban Sk @ Chuban Sk, Paimuddin Sk @ Paimuddin and Saddam Sk** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that they shall remain outside the jurisdiction of Nakasipara Police Station and shall furnish the address where they shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction they shall henceforth reside. The petitioners shall appear before the learned trial Court on every date of hearing. They shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The applications for bail are, thus, disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)