

32
25.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1602 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Kandi P.S. Case No. 632 of 2023 dated 21.10.2023 under Sections 302/120B/34 of the Indian Penal Code and Section 25/27 of the Arms Act and Section 3/4 of the E.S. Act.

And

In Re : **Ali Hossain Shaikh @ Ali Hossain** ... Petitioner.

Ms. Maitrayee Chatterjee ... for the Petitioner.

Ms. Amita Gour

Mr. Asif Dewan ... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for about 45 days and seeks parity with the co accused who have been granted bail earlier.

Learned counsel for the State opposes the prayer.

I have considered the material on record. Though the period of incarceration of the petitioner is less than the co accused who has been granted bail earlier, he appears to be similarly circumstanced with the co accused. The witnesses have named him as a member of the gang which assaulted the victim resulting in his death. No specific overt act has been attributed to the petitioner in the alleged offence. In view of the above, the petitioner can be said to be similarly circumstanced with the co accused and deserves the similar benefit.

Accordingly, prayer for bail is allowed.

The petitioner namely **Ali Hossain Shaikh @ Ali Hossain** 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 Additional Chief Judicial Magistrate, Kandi, Murshidabad subject to condition that he shall not leave the jurisdiction of Kandi P.S. except for the purpose of appearing before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, 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.)