

184 20.12.2019
ss Allowed

C.R.M. 12163 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 19.12.2019 in connection with Mal P.S. Case No. 249 of 2019 dated 13.07.2019 under sections 302/114 of the Indian Penal Code.

And

In the matter of : Sahabu Ansari @ Sahabuddin

Mr. Anirban Banerjee

... .. for the petitioner

Mr. S.G. Mukherjee, PP

Mr. Partha Pratim Das

... .. for the State

It is submitted on behalf of the petitioner that the victim, who is his son, in an inebriated condition attempted to assault him. In retaliation, he assaulted the victim resulting in his death.

Learned counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record and bearing in mind the nature of allegations in the light of the submission that the petitioner had assaulted the victim in self-defence which finds corroboration from statements of witnesses, namely, Jamsed Ali, Munsi Answare and Majid Answare at page 19 to 21 of the case diary and in view of the period of detention suffered by the petitioner, that is, 160 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Chief Judicial Magistrate, Jalpaiguri subject to the condition that the 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.

In the event the petitioner fails to do so without justifiable cause, the 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, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)