

02.09.2021
Item no.23.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2179 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.02.2021 in connection with Tangra Police Station Case No.148 of 2020 Dated 23.05.2020 under Sections 326/114 of the Indian Penal Code

And

In the matter of : Md. Munna Qureshi

.....Petitioner.

Mr. Habibur Rahamanfor the Petitioner.

Ms. Z. N. Khan,
Mr. M.F.A. Beggfor the State.

The story is that the petitioner and one Abed went to the house of the petitioner's wife and asked her why she had given *talak* to the petitioner. Subsequently, the victim's brother came into the scene and there was an altercation between the petitioner and Abed on one hand and the victim's brother on the other. We are told that Abed attacked the victim's brother with knife and inflicted grievous injury on him. The petitioner was present and at best aided and abetted Abed to inflict the injury.

We have seen the material in the case diary including the statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. It appears from the statements

prima facie that the wound was inflicted by Abed and the petitioner was there with him. Abed has been enlarged on bail by the learned Trial Court by an order dated November 10, 2020.

We find on an assessment of the material on record that the petitioner stands on the same footing as Abed, who has been enlarged on bail by the learned Trial Court. The petitioner has been in custody for about 338 days. Charge sheet has been submitted.

In view of the aforesaid and on an overall consideration of the facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Md. Munna Qureshi 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, Sealdah, and on further conditions that he shall remain within 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.

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.

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.

The application for bail is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)