

28.02.2022

Court No.32
rpan/ 23

C.R.M. (DB) 173 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Ratua P.S. Case No. 608 of 2021 dated 08.11.2021 under sections 341/326/307/34 of the Indian Penal Code .

And

In Re : **Rejaul Karim @ Rijaul Karim**

- Petitioner.

Ms. Minoti Gomes,
Mr. Arup Sarkar
... for the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy,
Mr. Subrata Roy
... for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that there is a property dispute between the petitioner and the victim. In respect of the said dispute, there is a pending proceeding between the brothers before the District Land & Land Reforms Officer, Malda. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who has already suffer incarceration for about 73 days, may not be necessary.

Mr. Deb Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the

petitioner, who has already suffered incarceration for about 73 days, is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Rejaul Karim @ Rijaul Karim**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 173 of 2022 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)