

22.04.2022

Serial no. 63

[Dd]

(Bail **allowed**)

CRM (DB) 1048 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Domkol** Police Station Case No. **102** of **2021** dated **08.03.2021** under Sections **341/325/326/354/307/34** of the Indian Penal Code and added Section **302** of the Indian Penal Code.

-And-

In the matter of : Natu Ansari @ Sarjib Ansari

... .. Petitioner

Mr. Kallol Mondal

Mr. Amanul Islam

Mr. Krishan Ray,

Mr. Sourav Mukherjee, Advocates

... .. *For the Petitioner*

Mr. Saibal Bapuli, Id. APP

Mr. Arani Bhattacharyya, Advocates

... ..*For the State*

Mr. Debapriya Majumder, Advocate

.. ..*For the de facto complainant*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 247 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required. He submits that the petitioner is not the person who assaulted the fatal blow on the deceased.

Learned advocate appearing for the State draws the attention of the Court to the statement of an eye-witness recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that the petitioner was part of the

group who assaulted the persons. One person died and the other was injured.

It appears from the statement of the eye-witness recorded under Section 164 of the Criminal Procedure Code that the petitioner was not the person who dealt a blow on the head of Erajul Hoque Ansari @ Erajul Karikar. Such person did not die of the injury suffered.

Considering the period of detention of the petitioner and considering the specific role attributed to the petitioner in the statement of Md. Ayub Ansari, the son of the injured and considering the statement of the injured recorded under Section 164 of the Criminal Procedure Code, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 Chief Judicial Magistrate, Murshidabad** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 1048 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

