

13.06.2022
Sl. No.33
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 1561 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.06.2022 in connection with Chandipur Police Station Case No. 55 of 2022 dated 28.02.2022 under Sections 341/323/325/326/307/302/506/34 of the Indian Penal Code.

And

In Re: **Sk. Ansar Ali & Ors.**

... .. Petitioners

Mr. Soumik Ganguli
Mr. Ritam Chowdhury
Mr. Saurath Nandi
Mr. Sudipta Pramanick

... .. for the petitioners

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor
Mr. Iqbal Kabir

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about 100 days. It is further submitted incident occurred in course of a free fight amongst family members.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record including statements of witnesses. Specific role has been attributed to petitioner nos.1, 2 & 4 in assault of the deceased. In view of the aforesaid facts, we are not inclined in granting bail to the petitioner nos.1 2 & 4 namely, **(1) Sk. Ansar Ali, (2) Sk. Enamul & (4) Sk. Nazmul Ali** at this stage.

It is alleged petitioner nos.3 & 5 assaulted others. No medical report supporting such overt act of petitioner nos.3 & 5 has been produced before us. Keeping in mind the extent of complicity of petitioner nos.3 & 5 in the alleged crime and the period of detention

suffered by them, we are of the opinion that further detention of the accused/petitioner nos.3 & 5 is not necessary.

Therefore, the accused/petitioner nos.3 & 5 namely **(3) Sk. Neyamul Ali & (5) Anuara Bibi**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Tamluk, PurbaMedinipur subject to condition that the said petitioner nos.3 & 5 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail is thus disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)