

19.07.2022  
Sl. No.12  
akd  
[ALLOWED]

**C. R. M. (DB) 2216 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2022 in connection with Jangipara Police Station Case No. 195 of 2021 dated 16.08.2021 under Sections 341/326/307/379/34 of the Indian Penal Code. (G.R. Case No.1511 of 2021)

And

In Re: ***Farad Ali Mallick @ Farhad Mallick & Anr.***

... .. Petitioners

Mr. Mrityunjoy Chatterjee

... .. for the petitioners

Mr. Subhabrata Chowdhury

... .. for the de-facto complainant

Mr. Binay Panda

Mr. Subham Bhakat

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about a month. It is further submitted there is a civil dispute and petitioners have been falsely implicated in the instant case.

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

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Whether the petitioners intended to murder the victim requires to be assessed in the light of the attending circumstances during trial. Balancing the nature of accusation with the period of detention already undergone by the petitioners, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely ***(1) Farad Ali Mallick @ Farhad Mallick & (2) Asik Ali Mallick @ Abdul Ali***, 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 Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said petitioners 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, thus, stands **allowed**.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**