

10.08.2022
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 2653 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2022 in connection with Keshpur Police Station Case No.80 of 2022 dated 29.04.2022 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re: ***Sk. Osibul @ Aska Ali***

... .. Petitioner

Mr. Prabir Kumar Mitra
Ms. Subhanwita Ghosh

... .. for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 80 days. It is further submitted the incident occurred in course of sudden quarrel.

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

We have considered the materials on record. Keeping in mind the nature of allegations in the light of the submission that the incident occurred in course of sudden quarrel and without pre-meditation and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Sk. Osibul @ Aska Ali***, 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, Paschim Medinipur subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)