

28.09.2022
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allowed

CRM(DB) No. 3028 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti Police Station Case No. 416 of 2021 dated 31.10.2021 under Sections 341/325/307/354/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code.

And

In Re : Moktar Hossain @ Mukter Hossain @ Mokter Hossain @
Muktar Hossain & Ors. petitioners

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta
Ms. Srimoyee Mukherjee
Mr. Sourav Mondal

.....for the petitioners

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya

..... for the State

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

..... for de facto complainant

Learned Counsel for the petitioners submits they are in custody for more than 86 days. It is also submitted that they did not have intention to murder the deceased. They pray for bail.

Learned Counsel appearing for the State opposes prayer for bail.

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

We have considered materials on record. Victim died after 1 and ½ months. Whether the petitionr intended to murder the victim requires to be assessed in the light of the aforesaid factual matrix during trial.

Keeping in mind the aforesaid facts and in view of period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners shall 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 at Jangipur, Murshidabad on condition that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and they shall appear before the trial court on every date of hearing.

In the event petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)