

21.09.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 3033 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.09.2022 in connection with Gangarampur Police Station Case No. 273 of 2022 dated 27.05.2022 under Sections 341/323/326/34/307 of the Indian Penal Code. (G.R. Case No.603 of 2022)

And

In Re: ***Tanjurul Miah @ Sarkar***

... .. Petitioner

Mr. Kaushik Chaudhury
Ms. Busra Khatoon

... .. for the petitioner

Ms. Jeenia Rudra

... .. for the de-facto complainant

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted there was a free fight between the parties. Case and counter-case were registered.

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. Allegation of assault requires to be assessed in the light of the submission that there was a free fight between the parties. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be granted bail however, subject to conditions.

Therefore, the accused/petitioner, namely **Tanjurul Miah @ Sarkar**, 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 Additional Chief Judicial Magistrate, Gangarampur, Dakshin Dinajpur 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 and on further condition he shall meet the Investigating Officer once in a week until further orders.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)