

03.11.2022.
46.
as
(Allowed)

C.R.M. (DB) 3520 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.302 of 2022 dated 13.05.2022 under Sections 341/325/326/307/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : Mahim Sk.

.... Petitioner.

Mr. Prabir Majumder,
Mr. Snehansu Majumder.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.

...for the State.

Petitioner is in custody for 160 days. He submits there was a free fight and injuries were suffered by both the groups. He is not the principal assailant.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses show petitioner is not the principal assailant. It is contended there was a free fight and both the parties suffered injuries. Whether the petitioner shared common intention to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial.

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

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)