

22.11.2022
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allowed

CRM(DB) No. 4062 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 308 of 2022 dated 19.07.2022 under Sections 448/326/307/302/34 of the Indian Penal Code.

And

In Re : Nuruzzaman Mondal @ Makri Mondal & Ors. petitioners

Md. Sabir Ahmed
Md. Abdur Rakib

.....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick

..... for the State

Learned Counsel appearing for the petitioners submits they are in custody for 121 days. It is also submitted that they are the relations of one Mafijul Mondal who had an illicit affair with the deceased lady. Mafijul suffered injuries in the course of the incident. Petitioners pray for bail.

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

We have considered the materials on record. Statement of the son of the deceased implicates the petitioners but injuries on the co-accused Mafijul has not been explained by the said witness. On the other hand, such injuries give a contrary impression with regard to the genesis of the incident. This dichotomy requires to be thrashed out in the course of trial.

Keeping in mind the aforesaid facts and circumstances of the case and the 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/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad, on condition that petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)