

18.11.2022

Sl. No.5

akd

[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**  
**Circuit Bench at Jalpaiguri**

**C. R. M. (DB) 433 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.11.2022 in connection with Pundibari Police Station Case No.488 of 2022 dated 01.09.2022 under Sections 447/325/326/307/354/427/506/34 of the Indian Penal Code. (G.R. Case No.1489 of 2022)

And

In Re: ***Mojammel Haque @ Mintu & Anr.***

... .. Petitioners

Mr. Hillol Saha Podder

... .. for the petitioners

Mr. Aditi Sankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Ujjwal Luksom

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 47 days. It is further submitted they have been falsely implicated in the instant case.

Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was hospitalised and offending weapon has been recovered.

We have considered the materials on record. Victims have been released from the hospital. Whether the injuries were life-threatening may be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioners, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely ***(1) Mojammel Haque @ Mintu & (2) Mahammad Ali @ Md. Ali***, 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 Chief Judicial Magistrate, Cooch Behar subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**