

05.01.2023.
16.
as
(Allowed)

C.R.M. (DB) 4 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda P. S. Case No.81 of 2022 dated 14.04.2022 under Sections 341/325/326/379/506/308/34 of the Indian Penal Code and added Section 304 of the Indian Penal Code.

In the matter of : Mojnu Molla & Anr.

.... Petitioners.

Kazi Mokhlasur Rahman.

...for the Petitioners.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioners are in custody for 266 days. It is submitted that there was a dispute over construction of a boundary wall. Victim lady survived for six days. Investigation is complete. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim survived for six days. Investigation is complete. There is little possibility of the trial concluding in the near future.

Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Mojnu Molla and Abdul Gani Molla 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, Murshidabad at Berhampore subject to

condition that they 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 petitioners fail to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)