

09.01.2023
Sl. No.29
CHC
[ALLOWED]

C. R. M. (DB) 39 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 4th January, 2023 in connection with Nanoor Police Station Case No.73 of 2022 dated 03.07.2022 under Sections 448/323/325/307/34 of the Indian Penal Code.

And

In Re: *Lal Mohan Sk. @ Sk. Ismail & ors.*

... .. Petitioners

Ms. Ameena Kabir

... .. for the petitioners

Mr. Arijit Ganguly,
Mr. Avik Ghatak

... .. for the State

Petitioners are in custody for 32 days. Case and counter case were registered on the self same incident. They pray for bail.

Learned advocate for the State opposes the prayer for bail.

We have considered the materials in record. Incident occurred in course of a free fight. Case and counter case were registered. Whether petitioners attempted to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial.

In view of the aforesaid facts and period of detention suffered by the petitioners, we are inclined to grant bail to them.

Therefore, the petitioners 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 Additional Chief

Judicial Magistrate, Bolpur, Birbhum, 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.)