

25.01.2023
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 296 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Chandrakona Police Station Case No.525 of 2022 dated 14.12.2022 under Sections 341/323/325/307/427/379/506/34 of the Indian Penal Code. (G.R. Case No.1483 of 2022)

And

In Re: **Basiruddin Khan**

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 40 days. It is further submitted there was a free fight between two groups. It is also submitted petitioner has been falsely implicated in the instant case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Allegation of attempt to murder requires to be assessed in the light of the attending circumstances during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Basiruddin Khan**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)