

09.02.2023.
18.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 533 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria P. S. Case No.427 of 2022 dated 04.10.2022 under Sections 448/323/325/307/34 of the Indian Penal Code and charge sheet submitted under Sections 448/323/302/34 of the Indian Penal Code.

In the matter of : Lalchan Mahaldar.

.... Petitioner.

Ms. Minoti Gomes,
Mr. Musharraf Alam Sk.,
Ms. Susmita Ghorai.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Petitioner is in custody for 122 days. It is submitted there was a quarrel amongst neighbours. He is not the principal accused. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses show petitioner is not the principal accused.

Keeping in mind the extent of complicity of the petitioner and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Lalchan Mahaldar 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

Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that he 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his 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.)