

21.03.2023
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allowed

CRM(DB) No. 1004 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla Police Station Case No. 383 of 2022 dated 14.11.2022 under Sections 448/324/307/302/34 of the Indian Penal Code.

And
In Re : Sk. Mahatab Ali petitioner

Mr. Subhasish Pachhal
.....for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan
..... for the State

Learned Counsel for the petitioner submits he is in custody for 125 days. It is also submitted there was a dispute amongst family members. A skirmish ensued. Injuries were suffered at both ends. After a fortnight one of the injured victims succumbed to his injuries in the hospital. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. It is contended there was a free fight between the parties. Case and counter case were registered. Injuries were suffered by the victims. After a fortnight one of the victims succumbed to his injuries. Whether the petitioner intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete.

Keeping in mind the aforesaid facts and circumstances of the case, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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, Howrah, subject to the condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)