

31.03.2023
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allowed

CRM(DB) No. 1278 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur Police Station Case No. 98 of 2023 dated 22.01.2013 under Sections 341/324/326/307/506/34 of the Indian Penal Code.

And

In Re : Saidul Middye @ Saidul Middey & Anr. petitioners

Mr. N. S. Ghosh
Mr. Pradip Kumar Kundu
Sk. Abdus Salam

....for the petitioners

Mr. Swapan Banerjee
Mr. Aninda Sundar Chatterjee
..... for the State

Mr. Debangana Bhattacharjee
..... for the defacto complainant

Learned Counsel for the petitioners submits they are in custody for 69 days. It is also submitted there was a domestic quarrel. They have been falsely implicated. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the defacto complainant submits petitioners are dangerous persons and would intimidate witnesses if they are released on bail.

We have considered the materials on record. Though fracture is noted on the scalp of the victim there is no internal injury. Whether the petitioners intended to murder the victim requires to be assessed in the light of the aforesaid circumstances during trial. Keeping in mind the aforesaid facts and the period of detention suffered by them, we are inclined to grant bail to the petitioners subject to strict conditions.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas, on further condition that while on bail they shall meet the Officer-in-Charge, Baruipur Police Station once in a week until further orders. Petitioners 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 petitioners fail to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)