

10.04.2023  
tkm/ct 28  
sl no. 51

**C.R.M. (DB) 1400 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagatballavpur PS case no. 201 of 2022 dated 10.9.2022 under sections 302/34 of the IPC

And

**Allowed**

In Re : Jasim Sk

..... petitioner

Mr. A Jana  
Mr. P P Sinha

..... for the petitioner

Ms. Z N Khan  
Mr. Ashok Das

..... for the State

Petitioner is in custody for 114 days. It is contended he did not intend to murder the victim. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses show petitioner had demanded salary but victim refused to pay. Thereafter there was a heated altercation and petitioner assaulted the victim with fists and blows. Co-accused throttled him. Whether the petitioner shared common intention to murder the victim requires to be assessed during trial.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM Howrah on condition that the petitioner shall appear before

the trial court on every date of hearing 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 being CRM (DB) 1400 of 2023 is disposed of.

**(Partha Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**