

11.05.2023
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allowed

CRM(DB) No. 1869 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 303 of 2022 dated 12.03.2022 under Sections 447/326/307/354/34 of the Indian Penal Code.

And

In Re : Tasiruddin Sk. @ Tasiruddin Seikh petitioner

Mr. Somnath Adhikari

....for the petitioner

Mr. Prasun Kumar Datta, learned APP

Mr. Santanu Deb Roy

.... for the State

It is contended by the learned Counsels for the parties that there was a civil dispute and the petitioner has been falsely implicated.

We have considered the materials on record. Allegation of attempt to murder by the petitioner requires to be assessed in the light of prior enmity between the parties and the nature of injury. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner i.e. 190 days and as investigation is complete, 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, Berhampore, Murshidabad, subject to conditions 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.)