

15.06.2023

Sl. 34

Court No. 29

sdas

(Allowed)

C.R.M. (DB) 2260 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Domkal Police Station Case No. 396 of 2022 dated 30.06.2022 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the E.S. Act.

And

In the matter of: **Rofi Mondal @ Rofikul Islam**

....petitioner.

Mr. Aslam Parvez

...for the petitioner.

Mr. Neguive Ahmed, learned APP

Ms. Amita Gaur

...for the State

Mr. Jisan Hossain

Ms. Chandrima Debnath

.... for de facto complainant

1. Heard learned Counsel for the parties.
2. The deceased, according to the report, have died of gunshot injury. The gunshot injury is stated to have been caused by one Ajit Mondal.
3. Coming to the genesis of the case it is found that there was clash between two groups over the issue of drinking liquor by some of the members of the group. The present petitioner is alleged to have assaulted one member of the rival group by a wooden baton. From the materials on record we, however, find that except the charges under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act with Sections 3/4 of the E. S. Act there is no other charge. Prima facie, we are, therefore, of the view that the petitioner, if so, may be convicted for the main offence by the aid of Section 34

of the Indian Penal Code and such a duty is well cast on the trial court at the time of trial.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation against him and completion of investigation in the meantime, it is directed that the petitioner shall be released on bail by the learned Chief Judicial Magistrate, Murshidabad, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in G.R. No. 2740 of 2022 in connection with Domkal Police Station Case No. 396 of 2022 dated 30.06.2022
5. Accordingly, the prayer for bail is allowed.
6. The application being **CRM (DB) 2260 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

