

07.07.2023
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 2696 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Minakhan Police Station Case No.245 dated 27.06.2023 under Sections 341/325/326/307/379/506/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act. (G.R. Case No.2592 of 2023)

And

In Re: ***Abdul Hamid Molla & Ors.***

... .. Petitioners

Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
Mr. Bitam Das

... .. for the petitioners

Mr. Swapan Banerjee
Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioners that they did not intend to murder the victim. Petitioner no.1 is a candidate in the ensuing Panchayat election. Out of political grudge, petitioners have been falsely implicated. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail and submits victim suffered head injury. Firearms were recovered from the petitioners.

We have considered the materials on record. Petitioner no.1 had struck the victim on the head with the butt of a revolver. Nature of assault gives an impression that he did not intend to murder the victim. Injury report shows that the injury, though on a vital part of the body, is superficial in nature. Firearms have already been recovered. Under such circumstances, we are of the opinion further detention of the petitioners for progress of investigation is not necessary.

Therefore, the petitioners, namely ***(1) Abdul Hamid Molla, (2) Nizamuddin Molla, (3) Rasid Molla & (4) Fazlu Rahaman Molla,***

be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner no.1 shall meet the Investigating Officer once in a week until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)