

28.07.2023
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allowed

CRM(DB) No. 2800 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 938 of 2023 dated 14.06.2023 under Sections 307/325/326/34/341/379 of the Indian Penal Code.

And

In Re : Prasenjit Mandal @ Jhantu & Anr. petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioners

Ms. Zareen N. Khan

Md. Kutubuddin

.... for the State

Heard the learned Counsel for the parties.

We have considered the materials on record. Whether the injuries are life threatening may be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioners i.e. 42 days we are inclined to grant bail to him.

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 Chief Judicial Magistrate, Malda, subject to conditions that 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.)