

20.07.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 2875 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2023 in connection with Chanchal Police Station Case No.1471 of 2022 dated 20.12.2022 under Sections 341/323/325/307/302/34 of the Indian Penal Code. (G.R. Case No.3425 of 2022)

And

In Re: ***Sultan Ali @ Sultan***

... .. Petitioner

Mr. Debasish Roy
Mr. Sagar Saha

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 212 days. It is further submitted there was a free fight. Petitioner and his associates also suffered injuries. They did not have intention to kill the victim. Investigation is complete. Accordingly, he renews his prayer for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had hit the victim on the head resulting in his death.

We have considered the materials on record. We have examined the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. Though the witnesses claim that the petitioner and others had assaulted the victim and another resulting in injuries and ultimate death, they are silent with regard to the circumstances in which the petitioner and his associates also suffered injuries in course of the transaction. A counter-case has also been registered. In view of the aforesaid facts, whether the petitioner

intended to commit murder requires to be assessed in the course of trial. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sultan Ali @ Sultan**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that the said petitioner 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.

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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)