

20.07.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 2886 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 Raninagar Police Station Case No.106 of 2023 dated 23.02.2023 under Sections 341/325/307/34/302 of the Indian Penal Code. (G.R. Case No.551 of 2023)

And

In Re: ***Rakibul Sk. @ Rakibul Islam***

... .. Petitioner

Mr. Anisur Rahaman

... .. for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

... .. for the State

It is submitted on behalf of the petitioner that the victim had gone into the house of a lady and misbehaved with her. As a result, local people got enraged and assaulted him. He succumbed to his injuries. Petitioner has been falsely implicated in the instant case. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits eyewitnesses stated petitioner and others assaulted the victim resulting in his death.

We have considered the materials on record. No doubt, statements of eyewitnesses claim petitioner was one of the assailants but materials on record corroborate the defence version that the victim had entered the room of a lady immediately prior to the incident. Whether the assault under these circumstances disclose intention to kill requires to be assessed during trial. Keeping in mind the aforesaid circumstances and as investigation is complete and there is no chance of abscondence of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rakibul Sk. @ Rakibul Islam***, 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, Lalbagh, Murshidabad 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.)