

26.07.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 2957 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2023 in connection with Sainthia Police Station Case No.111 of 2023 dated 17.04.2023 under Sections 443/326/307/34 of the Indian Penal Code. (G.R. Case No.111 of 2023)

And

In Re: **Sk. Ali @ Ali Hosen & Anr.**

... .. Petitioners

Mr. Ranjan Chakraborti

... .. for the petitioners

Mr. Binay Panda

Mr. Subham Bhakat

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 98 days. It is further submitted there was a pending dispute between the parties. Investigation is complete. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There was a dispute between the parties. Petitioners had attacked the victim with the branch of a tree. Whether they intended to kill the victim requires to be assessed in the light of the aforesaid circumstances during trial. Petitioners have permanent home and hearth and there is no chance of their abscondence. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely **(1) Sk. Ali @ Ali Hosen & (2) Sk. Moina @ Mostakim @ Sekh Mustakim**, 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 Chief Judicial Magistrate, Birbhum at Suri 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.

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.)