

02.08.2023
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allowed

CRM(DB) No. 3052 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 722 of 2023 dated 17.06.2023 under Sections 302/109/120B/34 of the Indian Penal Code.

And

In Re : Abdul Mannan petitioner

Mr. Ayan Bhattacharya

Mr. Sagar Saha

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

..... for the State

Learned Counsel for the petitioner submits he was a candidate in the ensuing Panchayat election. There was a heated exchange between the petitioner and the victim. Thereafter victim suffered heart attack. Petitioner prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits forensic opinion is awaited regarding cause of death.

We have considered the materials on record. Postmortem report does not disclose any external or internal injury on the victim. Possibility of false implication owing to political affiliation cannot be wholly ruled out. Under such circumstances and in view of period of detention suffered by the petitioner i.e. about 45 days we are of the opinion further detention is not necessary and petitioner may be granted bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, on conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)