

02.08.2023
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allowed

CRM(DB) No. 3062 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mohammad Bazar Police Station Case No. 189 of 2023 dated 25.06.2023 under Sections 143/34/325/326/307/506 of the Indian Penal Code.

And

In Re : Satyan Mistri @ Satyen Mistri & Ors. petitioners

Mr. Kallol Mondal

Mr. Krishan Ray

....for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

..... for the State

Learned Counsel for the petitioners submits they have been falsely implicated due to political rivalry. They are in custody for about 40 days. Further detention is not necessary. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim suffered fracture.

We have considered the materials on record. Incident occurred in the course of a political squabble. Whether injuries are life threatening may be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioners we are inclined to grant bail to them.

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 Additional Chief Judicial Magistrate,

Suri, Birbhum, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)