

03.08.2023.
18.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 3068 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jiaganj P. S. Case No.101 of 2023 dated 17.04.2023 under Sections 341/326/307/34 of the Indian Penal Code.

In the matter of : Suman Biswas @ Bhutan Biswas.
.... Petitioner.

Mr. Asim Kr. Chakraborti.
...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.
Mr. Santanu Deb Roy.
...for the State.

Petitioner is in custody for 108 days. He submits there is case and counter case between the parties. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is the principal accused.

We have considered the materials on record. There was case and counter case between the parties. Whether the injuries viewed in the light of the aforesaid circumstances would disclose intention of the petitioner and co-accused to commit murder requires to be assessed during trial. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Suman Biswas @ Bhutan Biswas 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)