

04.08.2023
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allowed

CRM(DB) No. 3091 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taldangra Police Station Case No. 49 of 2023 dated 08.07.2023 under Sections 341/323/307/506/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And
In Re : Abhijit Lohar petitioner

Mr. Samiran Mondal
Mr. Abhinaba Dan
Mr. Nitish Samanta
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das
..... for the State

Learned senior Counsel for the petitioner submits he was a candidate of Zilla Parishad. Due to political rivalry he has been falsely implicated. He is in custody for 25 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had assaulted the victim with the butt of a firearm.

We have considered the materials on record. It is alleged that the petitioner used the butt of a firearm to assault the victim. This improbabilises any intention to commit murder. Under such circumstances and as there is no chance of his abscondence, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Khatra, Bankura, subject to 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.)