

08.08.2023
Sl. No.65
akd
[ALLOWED]

C. R. M. (DB) 3122 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Deganga Police Station Case No.698 of 2022 dated 19.11.2022 under Sections 341/325/326/307/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 341/323/307/302 of the Indian Penal Code. (G.R. Case No.3960 of 2022)

And

In Re: ***Amjed Ali Mondal @ Amjed Ali @ Sukur Ali @ Amjed***
... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick
... .. for the State

It is submitted on behalf of the petitioner that he had been physically assaulted. As a result, he was hospitalised. A criminal case was started. In retaliation, he has been falsely implicated. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had stabbed the victim with a knife.

We have considered the materials on record. There was a free fight between the petitioner and the victim. Petitioner suffered head injury. Victim suffered stab injury and died. Whether victim was the aggressor and had assaulted the petitioner first or not requires to be thrashed out during trial. Keeping in mind the aforesaid circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Amjed Ali Mondal @ Amjed Ali @ Sukur Ali @ Amjed***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two

sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)