

08.09.2023
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allowed

CRM(DB) No. 3503 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 378 of 2023 dated 09.07.2023 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In Re : Iliash @ Eliash Ali @ Iliash Ali @ Iliyash Ali & Anr. petitioners

Mr. A. Sarkar
Mr. S. Laskar

....for the petitioners

Mr. Swapan Banerjee
Mr. Suman De

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for 55 days. It is also submitted that they have been falsely implicated.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners were brutally beaten. They are unable to talk and co-operate with the investigation.

3. We have considered the materials on record. Statements of the witnesses and documents show limbs of the victim were fractured. Since then, he has been discharge from hospital. It is unclear why he is unable to talk. Under such circumstances, we are inclined to grant bail to the petitioners.

4. 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, Chanchal, Malda, 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)