

12.09.2023
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allowed

CRM(DB) No. 3524 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 522 of 2022 dated 25.12.2022 under Sections 341/323/324/325/307/34 of the Indian Penal Code with adding Section 304 of the Indian Penal Code.

And

In Re : Islam @ Islam Ali & Anr. petitioners

Mr. Kallol Mondal
Mr. Musharraf Alam Sk.
Mr. Souvik Das

....for the petitioners

Mr. Binay Panda
Mr. Subham Bhakat

.... for the State

1. Learned Counsel for the petitioners submits there was a land dispute between the parties. Victim died four months after the incident. Petitioners did not have intention to kill the victim.

2. Learned Counsel for the State opposes the prayer for bail and submits that the victim was assaulted by the petitioners and died.

3. We have considered the materials on record. There was a land dispute between the parties. Victim died four months after the incident. Old surgical wounds were noted on the lower abdomen and hip of the victim. Whether the petitioners had intention to kill the victim requires to be assessed in the light of the aforesaid circumstances during trial. They have no criminal antecedents and there is no chance of their abscondence. 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.)