

12.09.2023
tkm/ct 28
sl no. 55

C.R.M. (DB) 3547 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chapra P.S case no. 127 of 2023 dated 6.3.2023 under sections 341/325/326/307/34 IPC added section 302 IPC

and

Allowed

In Re : Muluk Chand Mondal

... petitioner

Mr. Sekhar Basu, Sr Adv
Mr. S Majumder

..... for the petitioner

Mr. R D Nandy
Mrs. Sonali Das

..... for the State

1. Petitioner is in custody for more than six months. He submits there was a dispute amongst the parties over demarcation of land. In the course of scuffle co-accused Abdul Hamid Monal assaulted the victim on the head. As a result, he suffered injuries. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner also participated in the assault. There are other injuries on the victim. Another person also suffered injury.
3. We have considered the materials on record. A quarrel ensued between the parties over demarcation of land. Abdul Hamid Mondal is the principal accused who assaulted the victim on the head. Post mortem report shows he died due to head injury. Other injuries on the deceased are on his hand and cannot be said to be fatal. In this backdrop it is to be seen whether the petitioner shared common intention with Abdul Hamid Mondal to murder the victim.

4. Keeping in mind the aforesaid fact, extent of complicity of the petitioner in the crime and as there is no possibility of his abscondence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 CJM, Nadia at Krishnagar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 3547 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)