

13.09.2023
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allowed

CRM(DB) No. 3557 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 699 of 2023 dated 14.07.2023 under Sections 341/325/308/34 of the Indian Penal Code and adding Sections 326/307 of the Indian Penal Code.

And
In Re : Tipu Sultan petitioner

Mr. Soupal Chatterjee
Ms. Sucheta Banerjee
....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 54 days. It is also submitted that there was a dispute amongst two political groups during Panchayat election. Case and counter case have been registered. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Incident occurred in the course of the Panchayat election. Both parties suffered injuries. Case and counter case have been registered. Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to him.

4. 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,

Chanchal, Malda, subject to the condition 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.

5. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)