

22.09.2023
Sl. No.46
akd
[ALLOWED]

C. R. M. (DB) 3697 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.09.2023 in connection with Nowda Police Station Case No.173 of 2023 dated 25.05.2023 under Sections 325/326/302/34 of the Indian Penal Code. (G.R. Case No.2338 of 2023)

And

In Re: ***Manajur Rahaman Sekh***

... .. Petitioner

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon

... .. for the petitioner

Mr. Anisur Rahaman

... .. for the de-facto complainant

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 116 days. It is further submitted there was a dispute over building of a road through the graveyard. A skirmish ensued. Petitioner has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Petitioner is a sexagenarian. Incident occurred in course of a village dispute. A road was proposed to be constructed through the graveyard. Local people opposed such decision. A skirmish ensued. Though the petitioner is named in the FIR, allegations against him are general and omnibus. Investigation is complete. Whether the petitioner shared common intention to murder requires to be assessed in the

light of free fight and other attending circumstances during trial. There is no chance of petitioner absconding or evading process of law. Under such circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Manajur Rahaman Sekh***, 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, Murshidabad at Berhampore 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.
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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)