

25.09.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 3701 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.09.2023 in connection with Domkal Police Station Case No.466 of 2023 dated 09.07.2023 under Sections 326/307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act. (G.R. Case No.3014 of 2023)

And

In Re: **Abu Salam Sk.**

... .. Petitioner

Mr. Anisur Rahman

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 69 days. It is further submitted on the date of election there was dispute between political parties. Petitioner has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses do not specifically state the petitioner had fired at the victim. Allegations are general and omnibus. Possibility of false implication due to political affiliation cannot be ruled out. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Abu Salam Sk.**, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)