

05.10.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 3827 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2023 in connection with Beldanga Police Station Case No.190 of 2023 dated 16.03.2023 under Sections 448/323/325/326/307/506/34 of the Indian Penal Code. (G.R. Case No.1098 of 2023)

And

In Re: **Anikul Sk. @ Anikul Islam**

... .. Petitioner

Mr. Rajdeep Majumder
Mr. Anisur Rahaman

... .. for the petitioner

Mr. Shiladitya Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 120 days. It is further submitted petitioner is a professional cook. He was the caterer in a marriage ceremony organised in the family of the de-facto complainant. There were monetary disputes. Petitioner has been falsely implicated. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had demanded money. As money was not paid, he stabbed the son of the de-facto complainant.
3. We have considered the materials on record. Incident occurred in course of a sudden quarrel over payment of dues. Allegation of attempt to murder requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. 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 **Anikul Sk. @ Anikul Islam**, 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.)