

09.10.2023
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allowed

CRM(DB) No. 3871 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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.

And

In Re : Jabarul Sk. @ Jabbarul Mondal & Anr. petitioners

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

....for the petitioners

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

.... for the State

1. Learned Counsel for the petitioners submits incident occurred in the course of a sudden quarrel which broke out over building a road through a graveyard. Co-accused is on bail. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits iron rod was recovered from the possession of the petitioners.

3. We have considered the materials on record. Incident occurred in the course of a village dispute. Co-accused is on bail. No forensic report with regard to the iron rod is placed on record to establish the same was used as a weapon of offence. Under such circumstances, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)