

28.11.2023
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allowed

CRM(DB) No. 4021 of 2023

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

And

In Re : Mainuddin Sk. @ Aminul Sk. petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Poulami Bose

....for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 88 days. It is also submitted co--accused is on bail. He prays for bail.

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

3. We have considered the materials on record. Balancing the nature of accusation with 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 Chief Judicial Magistrate, Murshidabad at Berhampore, subject to conditions 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)