

20.11.2023
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allowed

CRM(DB) No. 4171 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 55 of 2022 dated 28.02.2022 under Sections 302/307/323/325/326/34/341/506 of the Indian Penal Code but charge-sheet submitted under Sections 341/323/325/304/506/34 of the Indian Penal Code.

And

In Re : Sk. Ansar Ali @ Sk. Answer Ali & Ors. petitioners

Mr. Suman De

....for the petitioners

Mr. Madhu Sudan Sur, learned APP

Mr. Manoranjan Mahata

.... for the State

1. Learned Counsel for the petitioners submits prosecution witnesses stated that the victim had fallen down and succumbed to his injuries. In view of change in the complexion of the prosecution case they have again approached this Court for bail.

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

3. We have considered the materials on record. Statements of eye-witnesses in Court are at variance to their earlier statements before police. During their examination they stated that there was a commotion and the victim started running. At that time he fell down and suffered injuries. This exonerates the petitioners with regard to the allegation of murder of the victim. Hence, 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, Tamluk, 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.)