

30.11.2023
tkm/ct 28
sl no.69

C.R.M. (DB) 4438 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar PS case no. 1683 of 2022 dated 05.11.2022 under sections 341/326/307/302/34 IPC.

And

In Re : Alam Sk petitioner

Mr. Sagar Saha

..... for the petitioner

Mr. Arijit Ganguly

Ms. Debjani Sahu

..... for the State

1. Petitioner submits there was a free fight and case and counter-case were registered. He was not aggressor. He prays for bail.

2. Lawyers for the State produces Case Diary in the counter-case.

3. We have considered the materials on record in the light of the injuries suffered by the petitioner. Petitioner had suffered extensive injury which lends credence to the defence plea of a free fight between the parties.

4. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, i.e, more than a year, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 4438 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)