

01.12.2023
Sl. No.54
akd
[ALLOWED]

C. R. M. (DB) 4427 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Nabagram Police Station Case No.150 dated 14.06.2021 under Sections 448/302/34 of the Indian Penal Code. (G.R. Case No.1775 of 2021)

And

In Re: **Bapi Sk. @ Sish Mohammad Sk.**

... .. Petitioner

Mr. Subhabrata Dutta
Ms. Debjani Roy Chowdhuri

... .. for the petitioner

Mr. Tapodip Gupta

... .. for the de-facto complainant

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Arani Bhattacharyya

... .. for the State

1. It is submitted on behalf of the petitioner that eighteen witnesses have been examined but none of the witnesses have implicated him in the incident. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State produces the case diary.
3. Learned Advocate for the de-facto complainant opposes the prayer for bail.
4. We have considered the materials on record. We have also examined the evidence on record. Eyewitnesses did not involve the petitioners in the assault upon the victim. His prayer for bail was rejected in March, 2023 when all the eyewitnesses had not been examined. Presently eighteen witnesses have been examined and the remaining are other official witnesses. Taking an overall view of the evidence of the eyewitnesses it is not possible to come to a conclusion that petitioner is the assailant. Under such

circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Bapi Sk. @ Sish Mohammad Sk.**, 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad 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.
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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)