

01.12.2023
Sl. No.65
akd
[ALLOWED]

C. R. M. (DB) 4476 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.11.2023 in connection with Nabadwip Police Station Case No.194 of 2023 dated 18.04.2023 under Sections 448/325/326/308/302/379/506/34 of the Indian Penal Code.

And

In Re: **Alok Debnath**

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 129 days. Injured eyewitness has not identified the assailants. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits eyewitness has named the petitioner as the assailant.
3. We have considered the materials on record. While eyewitness has named the petitioner as the assailant, injured witness did not name the assailants. Impact of this dichotomy requires to be assessed during trial. It is also contended there was prior enmity and possibility of false implication cannot be ruled out. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Alok Debnath**, 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 Judicial Magistrate, Nabadwip, Nadia 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)