

19.12.2023.
105.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4499 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola P.S. Case No.34 of 2023 dated 21.01.2023 under Sections 363/365/376(2)(f)/376(D)/326/328/307/120B of the Indian Penal Code and charge sheet submitted under Sections 498A/363/365/326/328/307/120B of the Indian Penal Code.

In the matter of : **Sabir Sk @ Sahabir @ Sabir Shekh.**
.... Petitioner.

Mr. S. Das Mahapatra,
Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

...for the Petitioner.

Mr. Sudip Ghosh, Id. Sr. Govt. Adv.,
Mr. A. K. Datta.

...for the State.

1. Petitioner submits there was a domestic quarrel and he and other in-laws have been falsely implicated. He is in custody for 262 days. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner and in-laws had physically assaulted the victim housewife and as a result she was hospitalised.
3. We have considered the materials on record. Whether materials on record would attract the offence under Section 307 of the Indian Penal Code requires to be assessed during trial.
4. Keeping in mind the aforesaid fact and balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Sabir Sk @ Sahabir @ Sabir Shekh** 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)