

20.12.2023
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allowed

CRM(DB) No. 4570 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 271 of 2023 dated 09.07.2023 under Sections 341/302/34 of the Indian Penal Code.

And

In Re : Arif Hossain @ Md. Injamul Haque Petitioner

Mr. U. A. Dewan

Mr. A. Dewan

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Arindam Sen

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 159 days. It is also submitted he has not been named as assailant in the statement of the witnesses before learned Magistrate recorded under Section 164 of the Code of Criminal Procedure. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits statements of the eye-witnesses implicate the petitioner before police.

3. We have considered the materials on record. There is dichotomy in the statements of witnesses before police and Magistrate. Though petitioner is named as one of the assailants in the statements of witnesses before police he is not named by the witnesses before Magistrate. In view of the contradiction in the role played by the petitioner, we are inclined to grant bail to him.

4. Accordingly, we direct that the petitioner 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 conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)