

03.01.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (DB) 4630 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.12.2022 in connection with Labpur Police Station Case No.178 of 2022 dated 16.11.2022 under Sections 341/325/307/506/34 of the Indian Penal Code. (G.R. Case No.1169 of 2022)

And

In Re: ***Debabrata Mondal & Ors.***

... .. Petitioners

Mr. Biswajit Hazra
Mr. Arif Mahammad Khan
Mr. Archisman Sain

... .. for the petitioners

Mr. K. M. Hossain
Ms. Nabanita Chatterjee

... .. for the de-facto complainant

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 50 days. It is further submitted there are case and counter-case between the parties.

Learned Advocate for the State opposes the prayer for bail and submits victim suffered head injury.

Learned Advocate for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Incident occurred in course of a sudden quarrel. Whether the petitioners attempted to murder the victim requires to be assessed in the light of the aforesaid circumstance. Bearing in mind the nature of accusation and the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Debabrata Mondal, (2) Subrata Mondal & (3) Moumita Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bolpur, Birbhum subject to condition that the said petitioners 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.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)