

21.12.2023.
71.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4700 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara P.S. Case No.304 of 2023 dated 16.07.2023 under Sections 341/302/34 of the Indian Penal Code.

In the matter of : **Alauddin Sk @ Alauddin Sekh.**

.... Petitioner.

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

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Ms. Jonaki Saha.

...for the State.

1. Petitioner contends they have been falsely implicated due to political rivalry. Allegation of conjoint assault by twenty two persons is not supported by medical evidence. He prays for bail.
2. Learned Advocate for State opposes the bail prayer. He submits petitioner is named as one of the assailants. Weapon of offence was also recovered from his possession.
3. We have considered the materials on record. It is alleged there was a fight between two political groups. Though witnesses claimed twenty two persons had assaulted the victim, their ocular version with regard to conjoint assault does not find reflection from the number of injuries noted in the post mortem report.

4. Keeping in mind the aforesaid fact and the possibility of false implication due to political rivalry, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Alauddin Sk @ Alauddin Sekh** 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 Chief Judicial Magistrate, Berhampore, 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.)