

21.12.2023.  
67.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 4694 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P.S. Case No.1683 of 2022 dated 05.11.2022 under Sections 341/326/307/302/34 of the Indian Penal Code.

In the matter of : **Rubel Sk.**

.... Petitioner.

Mr. Sagar Saha.

...for the Petitioner.

Ms. Eshita Dutta.

...for the State.

1. Petitioner contends there was a free fight between the parties. Both parties had suffered injury. Co-accused viz., Alam Sk has been released on bail. Petitioner renews his bail prayer.
2. Learned Advocate for State opposes the bail prayer. He submits petitioner did not suffer injury but Alam Sk suffered injury.
3. We have considered the materials on record. There was a free fight. Co-accused Alam Sk was an associate of the petitioner. His injury probabilises the defence version. Earlier order rejecting bail of the petitioner did not advert to the issue of free fight. Subsequently, taking note of the free fight between the parties, Alam Sk. had been enlarged on bail. Hence, petitioner is entitled to similar relief.
4. Accordingly, the petitioner viz., **Rubel Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial

Magistrate, Malda 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.

5. 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.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**