

15.01.2024
cm/ct 28
sl no. 77

C.R.M. (DB) No. 107 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Tiljala P.S Case No. 149 of 2016** dated **04.05.2016** under Sections **302** of the Indian Penal Code 1860.

And

Allowed

In Re : Md. Salam.

..... petitioner

Mr. Sagar Saha
Mr. Manojit Debnath

... for the petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.
Mr. S. Kundu

..... for the State

1. Petitioner is in custody for more than seven years. He did not intend to murder the victim. He prays for bail.
2. The learned lawyer for the State opposes the bail prayer of the petitioner.
3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. Evidence on record shows that the assault on the victim was in the course of a quarrel and petitioner had struck the victim on the thigh which is a non-vital private part of the body.
5. Under such circumstances and in view of the protracted period of detention suffered by the petitioner and there is no chance of abscondence, we are of the opinion further detention is not necessary and petitioner may be enlarged on bail.
6. Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned

CJM, Barasat on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event petitioner fell to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

8. The application being CRM (DB) No. 107 of 2024 is disposed of.

(Parth Sarathi Sen, J.)

(Joymalya Bagchi, J.)