

15.01.2024  
cm/ct 28  
sl no. 72

**C.R.M. (DB) No. 102 of 2024**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Murutia P.S Case No. 274 of 2023** dated **19.09.2023** under Sections **302/120B/34** of the Indian Penal Code 1860.

And

**Allowed**

In Re : Ainal Khan @ Aynal Khan & Anr.

..... petitioners

Mr. Soumojit Das Mahapatra  
Mr. Abdul Aziz Mondal

..... for the petitioners

Ms. Faria Hossain

..... for the State

1. Petitioners contend that brother in law of Mafuja Bewa was assaulted by police. A criminal case was registered against the police at the behest of the said Mafuja Bewa. Consequentially Mafuja and others including the petitioners have been falsely implicated in the present case. Co-accused are on bail. Hence petitioners pray for bail.
2. The learned lawyer for the State submits that there are statements of witnesses and other materials implicating petitioner No.1 in the crime.
3. We have considered the materials on record. Petitioner No.1 stands on the same footing with co-accused Mohan Mondal who has been enlarged on pre-arrest bail by a coordinate Bench of this Court. Possibility of false implication due to registration of criminal case against police personnel at the behest of co-accused Mafuja Bewa cannot be ruled out. Hence, we are inclined to grant bail to the petitioners.

4. Accordingly, the petitioners be released on bail upon furnishing bonds of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Tehatta, Nadia on condition that the petitioners 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.
5. In the event petitioners 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.
6. The application being CRM (DB) No. 102 of 2024 is disposed of.

**(Parth Sarathi Sen, J.)**

**(Joymalya Bagchi, J.)**