

13.02.2024
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 117 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.12.2023 in connection with Harishchandrapur Police Station Case No.180 of 2022 dated 15.03.2022 under Sections 302/34 of the Indian Penal Code. (G.R. Case No.544 of 2022)

And

In Re: ***Jiaur Rahaman @ Safa***

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Ms. Roma Roy
Mr. Anamitra Banerjee

... .. for the petitioner

Mr. Soumik Ganguli

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than one year and eleven months. It is further submitted petitioner did not participate in the assault. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State draws our attention to the statement of one Gulabi Khatun, daughter of the victim who implicates all the accused in the assault.
3. We have considered the materials on record. Gulabi Khatun, daughter of the victim stated petitioner and others had assaulted the victim. But Sitara Bibi in her statement before Magistrate only implicates Matiur Rahaman. Charge has already been framed. In view of the aforesaid contradiction in the statements of two witnesses and as there is no chance of abscondence of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Jiaur Rahaman @ Safa***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda subject to condition that the said petitioner 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 he fails 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)