

16.01.2024

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Allowed

C.R.M. (DB) No. 123 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip Police Station Case No. 540 of 2023 dated 20.09.2023 under Sections 341/326/307/302/34 of the Indian Penal Code.

And

In Re Shibam Ghosh petitioner

Mr. Kallol Mondal

Mr. Subrata Ghosh

Ms. Upama Nandy

.....for the petitioner

Ms. Faria Hossain

Mr. S. Kundu

.....for the State

1. Learned Counsel for the petitioner submits victim suffered head injury due to fall from a bicycle. He has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Though witnesses claimed petitioner had been assaulted, history of incident as stated by the maternal uncle, Sankar Sarkar in the hospital shows that he suffered injury by fall from a bicycle. The aforesaid dichotomy requires to be assessed in the course of trial. There is no chance of his abscondence. Under such circumstances we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Nabadwip, subject to condition that 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 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. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)