

29.01.2024
Item No.34
Court No.28
CHC
allowed

CRM(DB) No. 165 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 193 of 2023 dated 06.07.2023 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In Re : Darej Sk. & ors. petitioners

Mr. Asraf Mondal,
Mr. Tushar Sil

....for the petitioners

Mr. Sandip Chakraborty

.... for the State

Mr. Arnab Chatterjee,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Poulami Bose

...for the de facto complainant

1. Petitioners contend that there was a free fight between two political groups. Case and counter case was registered. Injuries were also suffered at the end of the petitioners.
2. Supplementary affidavit enclosing the injury reports of the petitioners are placed on record.
3. Learned lawyer for the State has produced the Case Diaries in both the cases.
4. Learned lawyer for the de facto complainant also opposes the prayer for bail.

5. We have considered the materials on record and statements of witnesses recorded in the course of investigation of the case and counter case. They show that there was free fight between the two groups.
6. We note both the parties had suffered injuries. Whether the petitioners intended to murder the victim required to be assessed in the backdrop of the aforesaid circumstances during trial. There is no chance of abscondance.
7. In such circumstances, we are inclined to grant bail to the petitioners.
8. Accordingly, we direct that the petitioners 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 Additional Chief Judicial Magistrate, Tehatta at Nadia, subject to condition that petitioners 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.
9. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
10. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

