

22.02.2024
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allowed

CRM (DB) No. 218 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda Police Station Case No. 173 of 2023 dated 25.05.2023 under Sections 325/326/302/34 of the Indian Penal Code.

And

In Re : Humayan Sk. @ Humayun Mondal petitioner

Mr. Soumyajit Das Mahapatra
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak
Mr. Juel Rana

....for the petitioner

Ms. Rituparna De Ghosh

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 107 days. It is also submitted incident occurred in the course of a skirmish. Co-accused has been granted bail. There is no chance of abscondence. Accordingly, he prays for bail.

2. Learned Counsel for the State prays for bail and submits petitioner had absconded and was arrested subsequently.

3. We have considered the materials on record. Incident occurred in course of a skirmish. Whether petitioner intended to murder the victim requires to be assessed during trial. Keeping in mind the aforesaid facts, 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 Chief Judicial Magistrate, Berhampore, Murshidabad, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.)