

31.01.2024
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 269 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.01.2024 in connection with Raghunathganj Police Station Case No.569 of 2023 dated 10.07.2023 under Sections 143/341/325/326/307/302/120B of the Indian Penal Code. (G.R. Case No.1688 of 2023)

And

In Re: ***Asim Sk. @ Ashim Sk. @ Asim Akram***

... .. Petitioner

Mr. Asif Dewan

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Ms. Ayantika Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted there was a skirmish and the petitioner did not intend to murder the victim. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim had been assaulted by the petitioner and co-accused. He has suffered injuries and died. Other persons had also been injured.
3. We have considered the materials on record. Incident occurred on the day of election. Victim had gone out to cast vote. There was a skirmish. There are allegations that petitioner had participated in the assault. However, co-accused similarly circumstanced with the petitioner had been enlarged on bail by the trial Judge. Their bail orders have not been challenged. In this factual matrix, it is contended petitioner did not intend to murder the victim. Keeping in mind the aforesaid fact and as there is no chance of his

abscondence, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Asim Sk. @ Ashim Sk. @ Asim Akram***, 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, Jangipur, Murshidabad 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.)