

31.01.2024
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allowed

CRM(DB) No. 284 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No. 112 of 2023 dated 05.06.2023 under Sections 323/326/307/34 of the Indian Penal Code.

And

In Re : Mithun Biswas petitioner

Mr. Asraf Mandal

....for the petitioner

Ms. Debjani Sahu

.... for the State

Mr. Samiul Akhtar Munshi

Mr. Asif Iqbal

Mr. Ali Ahsan Alamgir

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 112 days. It is also submitted he has been falsely implicated in the case. Co-accused, Titan Biswas is on bail. He is in custody for over 100 days. Investigation is complete. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is named by the injured witnesses. Injuries are grievous.

3. Learned Counsel for the de facto complainant also opposes the prayer for bail and submits petitioner had used sword and one of the victims lost his thumb.

4. We have considered the materials on record. Statements of the witnesses implicate the petitioner in the

assault. However, co-accused Titan Biswas who is similarly circumstanced with the petitioner is on bail. Investigation is complete and there is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

5. 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, Tehatta, Nadia, 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.

6. 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.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)