

21.02.2024.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 523 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar P.S. Case No.386 of 2022 dated 22.10.2022 under Sections 307/34 of the Indian Penal Code.

In the matter of : **Sk. Rahaman Ali.**

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Arijit Ganguli,
Mr. Santanu Deb Roy.

...for the State.

1. Petitioner contends there are case and counter case between the parties. He is not the principal accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record including the medical papers. Allegation of attempt to murder requires to be assessed during trial.
4. Balancing the nature of accusation with the period of detention suffered by the petitioner i.e. 35 days, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Sk. Rahaman Ali** 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, Purba Medinipur at Tamluk subject to condition that he 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.

6. In the event the 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)