

11.03.2024
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allowed

CRM(DB) No. 570 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 602 of 2022 dated 07.10.2022 under Sections 325/326/427/307/302/34 of the Indian Penal Code.

And

In Re : Md. Ibrahim Sk. @ Ibrahim Sk. petitioner

Mr. Sekhar Basu, Sr. Adv.
Mr. Soubhik Mitter
Mr. Karan Bapuli

....for the petitioner

Mr. Sanjoy Bardhan
Mr. Rajes Jana

.... for the State

Mr. S. K. Abdus Salam
Mr. Minhaz Serweny Islam

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for seventeen months. It is also submitted prosecution proposes to examine nineteen witnesses. Recording of evidence has not yet commenced. Co-accused are on bail. He renews his bail prayer.

2. Learned Counsel for the State and de facto complainant oppose the bail prayer. They contend petitioner had hit the victim with a spade on the head. He does not stand on the same footing with the co-accused who has been enlarged on bail.

3. We have considered the materials on record. Incident occurred in the course of execution of a demolition order. There was a skirmish between the parties. Petitioner had hit the victim

with a spade on the head. Keeping in mind the background in which the incident occurred and as there is little possibility of trial concluding in the near future 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)