

01.03.2024
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allowed

CRM (DB) No. 642 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 833 of 2023 dated 03.08.2023 under Sections 302/34 of the Indian Penal Code.

And

In Re : Mirajul Hoque @ Mirajul Haque petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatun

....for the petitioner

Ms. Faria Hossain
Mr. Arup Sarkar

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 200 days. Investigation is complete. Allegations against him are general and omnibus. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Victim had been assaulted by a number of persons on suspicion of being a thief. Allegations against the petitioner are omnibus. Whether petitioner shared common intention to murder the victim requires to be assessed in the factual matrix of the case during trial. There is no chance of abscondence. Accordingly, 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, Raiganj, Uttar Dinajpur, 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.)