

04.03.2024
tkm/ct 28
sl no. 33

C.R.M. (DB) 670 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Islampur P.S case no. 278 of 2023 dated 10.7.2023 under sections 341/286/326/307/34 IPC and under sections 25/27 of the Arms Act

And

Allowed

In Re : Monirul Sk @ Manirul Haque & Anr. petitioners

Mr. Sekhar Basu, Sr Adv

Mr. D Kar

Ms. Husen Mustafi

..... for the petitioners

Mr. Debabrata Chatterjee

Mr. Palash Ch Majhi

..... for the State

Mr. Sagar Saha

Md. Imtaij Kabir

Mr. Nur Nobi Sekh

..... for the de facto complainant

1. Petitioners are in custody for 230 days. It is contended there is no progress in the matter. No allegation of throwing of bombs has been lodged against the petitioners. They pray for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends statements of injured implicates the petitioner in the assault.
3. Learned lawyer for the de facto complainant submits that the injured suffered bomb injury and lost his hand.
4. We have considered materials on record. Incident occurred on the day of municipal election. Petitioners are named in the FIR. But statement of the injured does not attribute overt act to petitioner no. 1. Injured had suffered bomb blast injury resulting in loss of a limb.

5. Keeping in mind the extent of complicity of petitioner no. 1 in the crime, we are inclined to grant bail to him.
6. However, petitioner no. 2 has been named as one of the assailants who shared common intention to cause bomb blast injury upon the victim.
7. Under such circumstance and as the delay in the matter is due to abscondence of co-accused we are not inclined to grant bail to him at this stage.
8. Accordingly, the petitioner no. 1 viz Monirul Sk @ Manirul Haque 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 ACJM, Lalbagh, Murshidabad on condition that the petitioner no. 1 shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
9. 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.
10. The application being CRM (DB) 670 of 2024 is disposed of.
11. Trial court shall take prompt step for execution of processes against the co-accused.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)