

04.03.2024
tkm/ct 28
sl no. 39

C.R.M. (DB) 676 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal P.S case no. 60 of 2023 dated 27.1.2023 under sections 326/307/34 IPC and section 25/27 of the Arms Act

Allowed In Re : Ennal Sk @ Innal & Ors. ... petitioners

Ms.S Hasin
Mr. S A Banu

..... for the petitioners

Mr. Abhra Mukherjee
Mr. Asraf Mandal

..... for the State

1. Petitioners contend injured witness has been examined. He has not supported the prosecution case. Petitioners are in custody for more than a year. Hence, they renew their bail prayer.

2. Learned lawyer for the State submits there are two other eye witnesses to the incident.

3. We have considered the materials on record. Injured witness has not supported the prosecution case. Even if the two eye witnesses support the prosecution case, there shall be a dichotomy between their version and that of the injured witness. Petitioners are in custody for more than a year. Noticing the lacuna in the prosecution case and the period of detention suffered by the petitioners we are inclined to grant bail to them.

4. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/-each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge Special Court under E.C Act Berhampore, Murshidabad on condition that the petitioners shall appear before

the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

6. The application being CRM (DB) 676 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)