

20.03.2024
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allowed

CRM (DB) No. 869 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mograhat Police Station Case No. 36 of 2023 dated 19.01.2023 under Sections 341/323/325/326/307/506/34 of the Indian Penal Code and charge-sheet submitted under Sections 341/323/325/326/307/506/34 of the Indian Penal Code.

And

In Re : Jakir Alam Gazi petitioner

Mr. Arindam Jana

Ms. Arunima Das Sharma

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Sujoy Sarkar

.... for the State

1. Learned Counsel for the petitioner submits there was dispute amongst the family members over ingress and egress of the property. He has been falsely implicated. Accordingly, he prays for bail.

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

3. We have considered the materials on record. Incident occurred due to dispute amongst the family members with regard to ingress and egress to the property. Whether injuries are life threatening may be assessed 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 Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas, 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.)