

19.04.2024
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 1222 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.04.2024 in connection with Haripal Police Station Case No.130 of 2024 dated 12.03.2024 under Sections 447/188/323/325/307/195(A)/504/506/379/34 of the Indian Penal Code. (G.R. Case No.447 of 2024)

And

In Re: **Asifar Mallick @ Asifar Rahaman Mallick**
... .. Petitioner

Mr. Mahfuzus Salam Mollah
Mr. Asif Iqbal Baidya
... .. for the petitioner

Mr. Bitasok Banerjee
Mrs. Rituparna Saha
... .. for the State

1. It is submitted on behalf of the petitioner that there is a civil dispute between the parties. No prior criminal case is pending against him. He has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits de-facto complainant had instituted proceedings before this court in WPA 12121 of 2023 alleging that the petitioner is obstructing lawful construction.
3. We have considered the materials on record. A civil dispute is pending between the parties regarding construction. Allegation of physical assault is not supported by medical evidence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Asifar Mallick @ Asifar Rahaman Mallick**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Additional Chief Judicial Magistrate, Chandernagore, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)