

08.01.2024.
59.
Ct.No.28
as

C.R.M. (DB) 1771 of 2023

In Re:- An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

In Re : **Md. Jahangir Ali.**

... Petitioner.

Mr. Amitabha Karmakar,
Mr. Ziaul Hoque.

....for the Petitioner.

Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Mr. Robiul Islam,
Mr. Jayed Hossain,
Mr. Samim-Ul-Bari.
Mr. Raju Mondal.

...for the Opp. Party Nos.2 to 16.

1. Petitioner contends that the learned Sessions Judge illegally granted bail to the opposite parties/accused without considering the gravity of the offence. It is contended opposite parties/accused were playing music at a high volume. When deceased protested he was brutally beaten. As a result, he expired. Opposite parties/accused after being released on bail are threatening the witnesses.

2. Learned Advocate for opposite parties/accused submits the deceased died due to myocardial infraction arising out of cardiac ailments. No external or internal injury was found on him.

3. Learned Advocate for State produces the Case Diary.

4. We have considered the materials on record. Statements of witnesses show there was a dispute over playing music at a high volume. Deceased was assaulted by the opposite parties/accused. Post mortem report, however, does not corroborate the ocular version. The report does not note any external or internal injury on the deceased. On the contrarynd, it suggests death was due to myocardial infraction.

5. Under such circumstances, grant of bail to opposite parties/accused cannot be said to be illegal or perverse.

6. On the issue of misuse of liberty, we find that the allegations are generic in nature. However, to allay any apprehension in the minds of the petitioner and his associates, we direct the opposite party Nos.2 to 16 to meet the Officer-in-charge, Mothabari Police Station once in a month until further orders.

7. With this direction, the application is disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)