

29.04.2024.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1331 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.77 of 2024 dated 08.02.2024 under Sections 341/325/326/34 of the Indian Penal Code.

In the matter of : **Muslim Mia @ Md Muslem Mia.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Imdadul Hoque.

...for the Petitioner.

Mr. Iqbal Kabir,
Mr. Debanshu Ghorai.

...for the State.

1. Petitioner submits there was a free fight between the parties. Case and counter case were registered. Injuries were suffered by the associates of the petitioner also. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits victim suffered grave injury on shoulder. He had to be operated.
3. We have considered the materials on record. Injury on the victim is grievous. However, it appears that the incident occurred in the course of a fight between two groups. Associates of the petitioner also suffered injuries. Petitioner is in custody for 82 days. There is no chance of abscondence.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Muslim Mia @ Md Muslem Mia** 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, Chanchal, Malda subject to condition that he 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.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)