

01.05.2024
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allowed

CRM (DB) No. 1364 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mogra Police Station Case No. 12 of 2024 dated 08.01.2024 under Sections 307/326A/427/436/120B of the Indian Penal Code.

And

In Re : Buddhadeb Malo @ Budhadev Malo petitioner

Mr. Santanu Talukdar
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
....for the petitioner

Mr. Arnab Chatterjee
Ms. Mamata Jana
.... for the State

1. Learned Counsel for the petitioner submits there was a dispute amongst the family members. A criminal case has been lodged against the de facto complainant and her relations. In retaliation he has been falsely implicated. Accordingly, he prays for bail.

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

3. We have examined the statement of the victim. We have also examined the medical papers. Victim did not implicate the petitioner as the person who had thrown acid at her. Possibility of false implication due to prior enmity cannot be ruled out. Under such circumstances 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 Chief Judicial Magistrate, Chinsurah, Hooghly, 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.)