

30.7.2024
Ct. No. 6
SL No. 49
SB /
Tanmoy

C.R.M. (DB) 2060 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Park Street** P.S. Case No. **44** of **2024** dated **07.03.2024** under Sections 114/323/341 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

And

In the matter of: Md. Ekhlauque Ahmed @ Ekhlauque Ahmed

Mr. Ayan Bhattacharya (VC)

Ms. Ritu Das ...for the Petitioner

Mr. Partha Pratim Das

Mr. Saptarshi Chakrabortyfor the State

1. Learned counsel for the petitioner submits petitioner is in custody for 141 days. He contends there is a landlord-tenant dispute. He is not the principal accused. He has been falsely implicated in the instant case. He prays for bail.
2. Learned counsel for the State opposes the bail prayer. He submits petitioner and others have pushed the victim who sustained injuries and died.
3. We have considered the materials on record. There is a civil dispute between the parties. A scuffle ensued. It is alleged petitioner and others had pushed the victim. Whether they intended to commit murder requires to be assessed in course of trial. There is nothing on record that he intended to murder the victim. Petitioner does not have criminal antecedents. There is no chance of abscondance.
4. Under such circumstances, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct 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 Metropolitan Magistrate, Calcutta, subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)