

14.08.2024
Item no.45.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2121 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No. 613 of 2023 dated 09.10.2023 under Sections 341/325/326/307/302/506/34 of the Indian Penal Code.
And

In the matter of : Asadul Sk. @ Dablu.

.....Petitioner.

Ms. Minoti Gomes,
Md. Hafiz Ali, ...for the Petitioner.

Mr. Avishek Sinha,
Mr. Asif Dewan, ...for the State.

Mr. Jannat Ul Firdous,
Mr. Rajesh Naskar, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on April 3, 2024.
2. The incident occurred over a simple issue. Apparently a goat entered the premises of the victim. A quarrel ensued between the victim and the petitioner. The petitioner says that in the heat of the moment blows were exchanged and the victim succumbed to the injury suffered. He further says that he is in custody for 320 days. Charge has not yet been considered.

3. Learned counsel for the State, while opposing the prayer for bail, draws our attention to the statement of witnesses in the case diary recorded under Section 164 Cr.P.C. He further says that charge could not be considered on two dates fixed for considering the charges because of pendency of the present bail application.
4. Having considered the material-on-record and the fact that the investigation is complete and also prima facie it appears that the petitioner had no premeditated plan to murder the victim, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Asadul Sk. @ Dablu** 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, Kandi at Murshidabad on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever and on further condition that the present accused petitioner shall not enter the Village

Durgapur, Baganpara under Police Station Kandi for the next six months unless such condition has been relaxed by the learned Trial Court.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)