

14.08.2024
Item no. 70.
Court No.28.
AB
(Allowed)

CRM (DB) 2172 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No.191 of 2021 Dated 17.5.2021 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Ruhul Shah

.....Petitioner.

Mr. Sabir Ahmed,
Mr. T. Ahmedfor the Petitioner.

Mr. Ranabir Roychoudhury
Mr. Ratul Ghoshfor the State.

Mr. A. A. Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modakfor the Defacto complainant.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that the alleged incident occurred in the heat of a moment in a village dispute. It is further submitted that considering the fact that the present accused petitioner is languishing in jail custody since 6.9.2023, the instant application for bail may be allowed.
2. Prayer for bail has been opposed on behalf of the State as well as defacto complainant.

3. We have perused the statements of the witnesses recorded so far. We do not find any specific overt act on the part of the present accused petitioner in the alleged crime except the presence of the accused petitioner along with other miscreants at the time of alleged commission of crime. We thus consider that this is a fit case for enlarging the petitioner on bail.
4. Accordingly, we direct that the petitioner, namely, **Ruhul Shah** 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, Murshidabad, and on further conditions 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. until further orders and he shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
5. 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.
6. The application for bail is, accordingly, allowed.

7. It is reported at the Bar that the next date is fixed on August 16, 2024 for consideration of charge. In view of such, we direct the present accused petitioner to remain present in person before the learned Trial Court at the time of consideration of charge failing which the learned Trial Court shall take appropriate action against him for apprehension of the accused petitioner.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)