

CRM (DB) 2271 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. **42 of 2024** dated **31.01.2024** under Sections **341/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Nabakumar Saha

.... Petitioner.

Mr. Subir Ahmed,
Mr. Dhiman Banerjee,

... For the Petitioner.

Mr. Sandip Chakraborty,
Mr. Rajarshree Tah,

... For the State.

1. Petitioner submits there was a free fight between the parties. Petitioner is not the principal accused. He also sustained injuries. He is in custody for 177 days.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is not the principal assailant. He is in custody for 177 days and had suffered injuries in the course of the incident.
4. Under such circumstances, whether he had intention to murder requires to be assessed during trial. There is no chance of abscondence. Hence, he may be released on bail.
5. Accordingly, we direct that the petitioner, namely, **Nabakumar Saha**, 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 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.

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 his bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)