

01.08.2024
As/tkm/ct 6
sl no. 53

C.R.M. (DB) 2382 of 2024

In Re : An application for bail under section 483 of the Bharatiya
Nagarik Suraksha Sanhita 2023) in connection with Itahar P.S case no.
188 of 2024 dated 10.4.2024 under sections
341/448/326/354/427/506/307/34 IPC added section 302 IPC
and

Allowed In Re : Manirul Islam @ Manjul & Anr. petitioners

Mr. Tapan Datta Gupta
Mr. Parvej Anam
..... for the petitioner
Mr. Abhishek Sinha
Ms. Ayana Dey
..... for the State
Mr. Navanil De
Mr. Srijan Ghosh
..... for the de complainant

1. Petitioners are in custody for 123 days. It is submitted there was a free fight between the parties. Accordingly, they pray for bail.
2. Learned lawyers for the State and de facto complainant oppose the bail prayer.
3. We have considered the materials on record. Statements of witnesses show petitioner no. 1 and one Rahanul @ Banu are the principal assailants. He assaulted the victim who died. Hence, we are not inclined to grant bail to petitioner no. 1.
4. There is no allegation against petitioner no. 2 with regard to assault. Whether he shared common intention to murder is to be seen in the light of the aforesaid circumstances during trial. Keeping in mind these facts, we are inclined to grant bail to him.
5. Accordingly, the petitioner no. 2 Sekh Rahul Amin @ Rahul Ali 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 CJM Uttar Dinajpur at Raiganj, on condition that the petitioner no. 2 shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 2382 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)