

11.09.2024
Sr. No. 51
Ct. No. 6.
AB
(Allowed)

C.R.M. (DB) 2561 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khargram Police Station Case No.203 of 2023 Dated 09.06.2023 under Section 341/325/326/307 302/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act

In the matter of : **Sujauddin Sk. @ Md. Sujauddin**

....Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh

.....For the Petitioner.

Mr. Suman De
Ms. Pushpita Saha

.....For the State.

1. Heard learned Advocates for the parties.
2. Petitioner is in custody for more than nine months. He submits that he did not fire at the victim and is not the principal accused. He prays for bail.
3. Learned lawyer for the State submits that prayer for bail of co-accused was rejected.
4. We have considered the materials on record including the statement of one Monira Bibi, the injured witness. She stated number of persons including the petitioner came to the spot and assaulted Fulchand. Thereafter one Niyaju Sk. assaulted him with a spade on the head and Sailab Sk. brutally assaulted him. Then Imran Sk. came and shot at him. If the statement of the injured witness is accepted to be true, we note no specific overt act is

attributed to the petitioner. Allegations against the petitioner are general and omnibus.

5. Moreover, it appears subsequent to the assault Imran Sk. had shot at the victim. Whether petitioner shared common intention with Imran Sk. to commit the murder has to be assessed in the light of the aforesaid circumstance during trial.
6. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to allow his prayer for bail.
7. Accordingly, the petitioner, namely, **Sujauddin Sk. @ Md. Sujauddin** 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, Murshidabad, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
8. 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 in accordance with law without further reference to this Court.
9. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

