

CRM (DB) 3189 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of BNSS in connection with **Raninagar Police Station** Case No. **434 of 2024** dated **18.07.2024** under Sections **126(2)/117(2)/118(2)/109/351(2)/302/3(5)** of the Bharatiya Nyaya Sanhita.

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In the matter of : Jani Sk

.... Petitioner.

Mr. Golam Nure Imrohi,

... For the Petitioner.

Mr. Imran Ali,

Mr. Saibal Krishna Dasgupta,

... For the State.

1. Heard the learned lawyers for both the parties.
2. The petitioner is in custody for more than two months. He submits there was a quarrel between the parties over land. The petitioner had no intention to murder the victim. He prays for bail.
3. Learned Advocate for the state submits the petitioner created communal tension in the area and assaulted the victim resulting in grievous injury. Victim was hospitalized for ten days.
4. We have considered the materials on record. Allegations in the FIR show the petitioner had levelled religious insults towards the victim and assaulted the victim. Whether the injuries are life threatening may be assessed during trial. Investigation is complete. Further detention of the petitioner is not necessary in the facts of the case. However, movement of the petitioner requires to be restricted to prevent breach of law and order in the area.
5. In view of the aforesaid, we are inclined to enlarge the petitioner on bail subject to strict conditions.

6. Accordingly, we direct that the petitioner, namely, **Jani Sk**, 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, Lalbagh, 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of District Murshidabad except for the purpose of attending court proceeding and shall provide the address where he shall reside to the officer-in-charge of the concerned police station and meet the officer-in-charge of the concerned police station once in a week until further orders.

7. 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.

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

(**Gaurang Kanth, J.)**

(**Joymalya Bagchi, J.)**