

15.01.2024
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allowed

CRM(DB) No. 4347 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 538 of 2022 dated 05.12.2022 under Sections 448/450/326/307/302/34 of the Indian Penal Code.

And

In Re : Alauddin Sk. Petitioner

Mr. Sabir Ahmed
Mr. Abdur Rakib
Mr. Biswajit Sarkar
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Suman Biswas

....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Santanu Deb Roy

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than 387 days. A dispute broke up between the parties over cattle trespassing into the land of the petitioner. Wife of the petitioner had also suffered injury and was hospitalised. A counter case was registered. He renews his bail prayer.

2. Learned Counsel for the State produces the case diaries of the present case as well as the counter case.

3. We have considered the materials on record. A free fight had broken out between two groups over cattle entering the land of the petitioner. Though statements of the witnesses claimed petitioner had assaulted the victims and one of whom died, they are silent with regard to injury suffered by the petitioner's wife. Failure to disclose the injury suffered by the wife of the petitioner in the course of the incident erode their credibility. Possibility of

free fight cannot be wholly ruled out. There is no chance of abscondence of the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 conditions that 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.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)