

02.01.2024.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4776 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No.363 of 2023 dated 01.08.2023 under Sections 341/323/325/307/34 of the Indian Penal Code.

In the matter of : **Jamal Sk.**

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Ms. Rabia Khahtoon,
Ms. Soma Mal.

...for the Petitioner.

Md. Anwar Hossain,
Mr. M. F. A. Begg.

...for the State.

1. Petitioner contends he is in custody for more than a month. Co-accused have been granted pre-arrest bail. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. He contends a number of persons were injured.
3. We have considered the materials on record including the injury report. Whether the injuries are life threatening or not requires to be assessed during trial. Co-accused have been granted pre-arrest bail.
4. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Jamal 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 Chief Judicial Magistrate,

Berhampore, 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.

6. In the event the 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)