

16.08.2024
Court No.1
SL No. 13
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 329 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rajganj** P.S. Case No.**181 of 2023** dated **08.04.2023** under Sections **341/447/325/326/307/120B** and **302** of the Indian Penal Code.

And

In the matter of: **Ali Akbar and Others**

....Petitioners.

Mr. Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

...for the petitioners.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Acharjee,
Mr. Biswaroop Roy

...for the State.

1. The application for bail is sought on the ground that the petitioners are in custody for about 52 days.
2. It appears that after the incident of assault, the petitioners surrendered in the court below. Five co-accused persons have been granted bail by a Coordinate Bench. It appears that the genesis of the dispute was in respect of land between the accused persons and the victim. The Coordinate Bench has found that the incident occurred in the heat of the moment.
3. Learned counsel for the State has in all fairness submitted that there is no evidence on record against the petitioner no. 2.
4. In view of the above, this Court is of the view that the petitioners shall be released on bail.

5. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to the conditions that the petitioners shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provision of Section 317 of the Cr. P. C. and shall not leave the jurisdiction of the trial court without obtaining prior leave of the Court.

6. In the event the petitioners fail to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioners shall automatically stand cancelled without any further reference to this Court.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)