

06.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 902 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station Case No. 562 of 2024 dated 26.04.2024 under Sections 448/323/325/326/354/307/34 of the Indian Penal Code.

And

In Re : Dipak Mandal

Md. Wasif Akram

... For the Petitioner.

Mr. Sandip Chakraborty

Ms. Suruchi Saha

... For the State.

Learned counsel for the petitioner submits that the petitioner is in custody for about 6 months. Co-accused standing on the same footing is on bail. Charge-sheet has been submitted. The petitioner prays for bail.

Learned counsel for the State opposes the prayer and submits that the victim sustained injuries and suffered partial amputation of pinnacle of his right ear.

I have considered the material on record. The incident occurred as a fall out of land dispute between the family members. It is alleged that the petitioner and the co-accused jointly assaulted the victim with 'lathi' and 'hasua'. No specific overt act has been attributed to the petitioner in the alleged incident. The co-accused similarly circumstanced with the petitioner has been granted bail.

Considering the material on record and extent of complicity of the petitioner in the alleged offence, this Court is of the view

that further detention of the petitioner is not required and he may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Dipak Mandal shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that he shall remain outside the jurisdiction of Kaliachak police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)