

08.04.2026
Court No.35.
D/L.51.
Rakib
(Allowed)

CRM (M) 484 of 2026

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Saktipur Police Station case no. 257 of 2023 dated 09.11.2023 under Sections 341/326/307/354/34 of the Indian Penal Code with adding Section 302 of the Indian Penal Code.

And

In the matter of : Atarul Sk & Anr.

.....Petitioners.

Mr. Milon Mukherjee, Sr. Adv,
Mr. Arnab Chatterjee
Mr. Sahabaj Ali
Mr. Avik Ghosh

.....for the Petitioners.

Mr. Ranadeb Sengupta
Mr. Akash Ganguly

.....for the State.

Mr. Manas Kumar Das
Mr. Mobaidur Hossain
Mr. Prabal Das

.....for the de-facto complainant.

Learned senior advocate appearing for the petitioners submits that petitioner no.1 is in custody since 27.01.2024 and petitioner no.2 since 09.11.2023. Prosecution has relied upon 22 witnesses and till date one witness has been examined.

Learned advocate for the de-facto complainant opposes the prayer for bail.

Learned advocate for the State has produced the Case diary.

I have taken into account the statement of the eye-witness namely, Minarul Mallick under Section 164 of Cr.P.C. I have also taken into account the earlier rejections of bail and the bail of one Mohosen @ Mohosin Sk having been allowed.

Having considered the genesis of the case wherein the dispute arose for construction of a room for poultry purposes and the assault was by way of wooden stick and there are additional allegations of using iron rod and the petitioners are in custody for more than two years and 21 more witnesses are yet to be examined, Without entering into the merits of the case, I am inclined to release the petitioners on bail. Accordingly, the prayer for bail of the petitioners is **allowed**.

As such, petitioners namely, **Atarul Sk and Habibul Sk** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only) each, with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

If on bail, the petitioners shall be physically present before the learned trial Court on each and every date and shall not leave the jurisdiction of District of Murshidabad without the prior permission of the learned trial Court.

Additionally, petitioners would meet with the Officer-in-Charge of Saktipur Police Station once in a fortnight till further orders of this Court.

Accordingly, CRM (M) 484 of 2026 is **allowed**.

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

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

(Tirthankar Ghosh, J.)