

26.08.19

Sl. No.11

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 694 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.08.2019 in connection with Banarhat Police Station Case No.95 of 2019 dated 01.06.2019 under Sections 341/323/325/326/34 of the Indian Penal Code and charge-sheet submitted under Sections 304/34 of the Indian Penal Code. (G.R. Case No.1947 of 2019)

And

In Re: **Ram Kumar Lohar & Ors.**

... .. Petitioners

Mr. Anirban Banerjee .. Advocate

Mr. Debasish Mukhopadhyay .. Advocate

... .. for the petitioners

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. S. S. Sikdar .. Advocate

... .. for the State

The petitioners are seeking bail in connection with a case relating to offences punishable under Sections 341/323/325/326/34 of the Indian Penal Code and charge-sheet submitted under Sections 304/34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that they are in custody for about 84 days and that investigation is complete. It is also submitted that the incident occurred without pre-mediation in course of a sudden fight.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioners indiscriminately assaulted the victim resulting in his death after five days.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the submission made on behalf of the petitioners that the incident occurred without pre-mediation in course of a sudden fight and in view of the period of detention suffered by them and as investigation is complete, we are of the opinion that further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely **(1) Ram Kumar Lohar, (2) Nishan Kalindi @ Lohar & (3) Bijay Munda**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) 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 condition that the said petitioners 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.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)