

08.10.2020
Sl. No.54
akd
[Allowed]

C. R. A. 153 of 2020 [via video conferencing]
(CRAN 1 of 2020) [Old CRAN No. 4420 of 2020]
(CRAN 2 of 2020)

In Re : An application for bail under Section 389 of the Code of Criminal Procedure, 1973 filed on 05.10.2020 :

A N D

In Re : Sadhu Mandal & Anr.

... Appellants [in jail]

Mr. Amitabha Karmakar .. Advocate
Mr. Arup Kumar Bhowmick .. Advocate
... .. for the appellants

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Mr. Parthapratim Das.. Advocate
... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 (Old No. CRAN 4420 of 2020) is accordingly, disposed of.

It is submitted on behalf of the appellants that there was a dispute over construction. It is further submitted that the appellants did not have the intention of attempting to murder the victim. It is also submitted that the appellants were on bail during trial and did not misuse their liberty in any manner whatsoever.

On the other hand, learned advocate appearing for the State opposes the prayer for bail.

We have considered the evidence on record in the light of the submission that there was a dispute over construction and the appellants had no intention to murder the victim. In view of the aforesaid facts and as the appellants were on bail during trial and did not misuse his liberty in

any manner whatsoever and the sentence is one of term imprisonment, we are of the opinion that the sentence imposed on the appellants may be suspended and they may be released on bail.

Accordingly, the appellants namely, **(1) Sadhu Mandal & (2) Chandana Mandal**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty 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, Malda subject to condition that the appellants shall appear before the said Magistrate once in a month till the disposal of the appeal.

In the event they fail to do so, the learned Magistrate shall forthwith report such fact to this Court and the Department shall place the matter before the appropriate Bench for necessary orders.

The application being CRAN 2 of 2020 is disposed of.

Paper books be prepared within eight weeks from the date of receipt of the lower court records.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Aniruddha Roy, J.)

(Joymalya Bagchi, J.)