

30.09.2020

Item No.3

Ct.No.11

dc.

Allowed

C.R.M. 2873 of 2020

C.R.A.N. 1 of 2020

(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P.S. Case No. 591 of 2019 dated 11.10.2019 under Sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Swapan Pramanik & Ors. ... Petitioners.

Ms. Minoti Gomes ... For the Petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... 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.

Learned advocate for the petitioners submits that the petitioners are in custody for about 355 days and although charge-sheet has been submitted yet there has been no progress in the case.

Mr. Sur, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the witnesses as also the post mortem report.

We have perused the materials on record and we are of the opinion that the case is based on circumstantial evidence and further the issue on which the dispute started, if accepted to be true, is on the basis of emotions and cannot be said that there was any mental preparation or any motive of the accused persons in commission of the alleged offence. Taking into account the totality of the circumstances, we are of the opinion that during the pendency of the trial, the accused/petitioners should be released on bail.

Accordingly, the petitioners shall 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall meet the Officer-in-Charge of Santipur Police Station once a week.

The Trial Court is directed to see that if the petitioners are absent on any flimsy ground and the trial of the case is impeded or the petitioners create any obstruction in the progress of the trial, then the Trial Court shall be at liberty to cancel the bail of the petitioners in accordance with law without further reference to this Court.

The application being CRM 2873 of 2020 and CRAN 1 of 2020 are disposed of.

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

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)