

34 15.12.2020
rkd Ct. No.28
(P.Allowed)

**C.R.M. 2881 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** P.S. Case No. **538 of 2019** dated **28/10/2019** under Sections **341/448/323/302/506/34** of the Indian Penal Code.

And

In the matter of: Adhir Barman & Ors.

....petitioners.

Mr. K. Choudhury

...for the petitioners.

Mr. S. Banerjee,

Mr. S. De

...for the State.

Petitioners are in custody for 359 days. It is further submitted that there was a dispute amongst the family members.

Co-accused person has been enlarged on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Having considered the materials in the case diary and bearing in mind the prima facie involvement of petitioner nos. 1 & 2 in the alleged crime, we are not inclined to grant bail to them. However petitioner nos.3 & 4 i.e. women folk of the family stand on the same footing with the co-accused who has been enlarged on bail. Accordingly, we are inclined to grant bail to petitioner nos.3 & 4.

Accordingly, the petitioner nos.3 & 4 is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat subject to the condition that during bail

they shall appear before the learned trial court regularly till disposal of the trial and they shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner nos.3 & 4 fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)