

CRM 6162 of 2020
CRAN 1 of 2020 (Old No. CRAN 4661 of 2020)
(Via Video Conference)

G.S.Das

Ct.No.16

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dalkhola Police Station Case No. 108 of 2020 dated 28.05.2020 under Sections 341/323/325/326/307/302/34 of the Indian Penal Code (corresponding G.R. Case No. 1339 of 2020).

And

In the matter of: Ratan Kumar Mandal & Ors

....petitioners

Ms. Bushra Khatoon

... for the petitioners

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State

The petitioners undertake to affirm and appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioners claim that the victim in this case was run over by a train and the petitioners have been needlessly detained for more than 112 days.

The incident happened sometime in the last week of May, 2020. The petitioners acknowledge that there was a scuffle with the victim and the petitioners over the victim walking on the corn spread out by the petitioners for drying. However, the petitioners claim that after the incident the victim and his associates walked away and that was the end of the matter.

According to the petitioners, the post-mortem report reveals that the injuries suffered by the victim may have been as a result of a train accident. However, the State says that the concerned railway officials have categorically asserted that there was no incident of any person being run over by a train on the relevant date. The State also relies on the statements of some of the witnesses.

Considering the nature of the incident and the petitioners' possible involvement therein which led to the death of a person, the immediate release of the petitioners cannot be allowed even though the charge-sheet has been filed.

CRM 6162 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)