

11 28.09.2020
rkd Ct. no.12
(Allowed)

C.R.M. 6646 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balagarh** P.S. Case No. **98 of 2020** dated **18/07/2020** under Sections **498A/304B** of the Indian Penal Code.

And

In the matter of: Dukhiram Biswas & Anr.

....petitioners.

Mr. S. Mandal

...for the petitioners.

Mr. Saswata Gopal Mukherjee, P.P.,

Mr. P. P. Das

...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 conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Petitioners are in custody for 673 days.

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

Post mortem report is placed on record. We have considered the materials on record including the cause of death as transpiring from the post mortem report i.e. ante mortem hanging. Hence, the cause of death ordinarily rules out a case of homicidal death. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners are directed to be released on bail upon furnishing a Bond of Rs. 10,000/- each with two

sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Hooghly subject to the condition that during bail they shall appear before the learned trial court regularly and they shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners 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.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)