

24.09.2020

Ct. No. 16

Item no. 13
(ALLOWED)

CRM 7015 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 14.09.2020 in connection with Santipur Police Station Case no. 249 of 2020 dated 11.06.2020 under Sections 304/34 of the Indian Penal Code.

And

In the matter of : **Arun Sarkar & Anr.**

...Petitioners

Mr. Angshuman Chakraborty.

...For the Petitioners

Mr. Saibal Bapuli, Ld. A.P.P.,

Ms. Sayanti Santra.

...For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being **CRAN 01 of 2020** is accordingly **disposed of.**

Learned Counsel for the petitioners submits that the petitioners are in custody for more than 104 days and the charge-sheet has also been filed. Therefore, the custodial interrogation of the petitioners is not necessary.

It is further submitted that the victim was stealing the agricultural produce and was caught by the mob and subsequently he succumbed to the injury, which he sustained and, therefore, no specific role can be ascribed to the petitioners.

Learned Counsel for the State opposes the prayer for bail. It is submitted that the names of the petitioners were disclosed in the statement recorded under Section 161 of the Code of Criminal Procedure. She further submits that the charge-sheet has already been submitted, but the charges have not yet been framed. It is further submitted by her that the earlier application

for bail filed by the petitioners was rejected on 6th August, 2020 and there is no changed circumstances, which warrant the release of the petitioners.

We notice the order dated 6th August, 2020 passed in CRM 5157 of 2020 and we find that the prayer for bail was rejected, as the investigation was at the nascent stage and liberty was granted to the petitioners to renew the prayer upon further progress of the case or completion of investigation.

Since the charge-sheet has already been filed, the aforesaid order cannot act as deterrent in maintaining the instant application for bail. We perused the statements recorded under Section 161 of the Code of Criminal Procedure and the fact that the charge sheet has already been filed, we do not feel that further custody of the petitioners is necessary.

Accordingly, The petitioners, namely **Arun Sarkar** and **Samir Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand) each, with two sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioners shall attend the Court on each day of hearing and in the event of solitary default it is open to the learned Judge to cancel the bail without any further reference to this Court.

The application for bail, being **CRM 7015 of 2020**, is thus **allowed**.

However, we request the jurisdictional Magistrate to take up the matter pertaining to framing of charges and the co-operation and assistance is assured by the learned Advocates representing the parties before us.

(Hiranmay Bhattacharyya, J)

(Harish Tandon, J)