

14.10.2020

Item No.18

Ct.No.12

dc.

Rejected

C.R.M. 7437 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 G.R. Case No. 2264 of 2020 arising out of Kaliachak P.S. Case No. 414 of 2020 dated 02.06.2020 under Sections 447/325/326/307/34 of the Indian Penal Code adding Section 302 of the Indian Penal Code.

And

In the matter of : Krishna Mandal & Ors. ... Petitioners.

Mr. Mrityunjoy Chatterjee ... For the Petitioners.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan ... 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.

Four accused persons in connection with the abovementioned P.S. case are the petitioners before this Court praying for bail on the ground that on 1st June, 2020 at about 6 p.m. there was a free fight between two groups of two neighbouring families and in the said incident, some members of both the families were injured. The victim received serious injuries and was admitted to hospital.

Subsequently, he was discharged from hospital. After quite a long time from the date of incident, the victim died. Police included Section 302 of the Indian Penal Code against the petitioners. They are in custody for a pretty long time. The FIR does not disclose any specific overt acts perpetrated by the petitioners. The post-mortem report of the victim shows that he died of septicaemia. Therefore, the petitioners should be released on bail.

The learned P.P.-in-Charge on the other hand draws our attention to the relevant portions of the case diary on perusal of which it is ascertained that one of the offending weapons was recovered in pursuance to the statement of petitioner no.1. The witnesses narrated the specific role of each of the accused persons in their statement. He also draws our attention to the injury report on perusal of which it is ascertained that the victim suffered multiple injuries on his person. Therefore, he has raised serious objection against the prayer for bail.

We have carefully perused the case diary. According to us, there are sufficient materials against all the petitioners. The post-mortem report clearly suggests that the death of the victim was due to the effect of septicaemia as a consequence of injuries received by the victim. Therefore, it is prima facie found that the victim died after receiving fatal injuries. The involvement of the petitioners is prima facie

established. Therefore, we are not inclined to release the petitioners on bail. Prayer for bail is, thus, rejected.

CRM 7437 of 2020 and CRAN 1 of 2020 are disposed of.

(Bibek Chaudhuri, J.)

(Subrata Talukdar, J.)