

CRM 7438 of 2020
with
IA No: CRAN 1 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.511 of 2020 dated 04.07.2020 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: **Md. Rasidul Hoque**

.... Petitioner

Mr. Mrityunjoy Chatterjee

... For the Petitioner

Mr. Saibal Bapuli
Ms. Sayanti Santra

... For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the petitioner had not intended to kill the victim, but had only approached the victim's house to rescue the petitioner's sister. The petitioner's sister was the second wife of the victim. The petitioner complains that the victim would often beat up his second wife.

The State refers to the statement of the son of the victim to the effect that this petitioner hit the victim and caused his death.

The State also relies on the statement of a witness to the effect that the petitioner here found the victim to be in a drunken state and

abusing or attempting to abuse the petitioner's sister. The State says that the petitioner picked up a wooden block and dealt the victim the fatal blow.

Considering the circumstances, it is evident that the petitioner intended primarily to rescue his sister. In an attempt to dissuade the victim from hitting the petitioner's sister, the petitioner may have indulged in more violence than was necessary; but, in the circumstances, the further detention of the petitioner may not be necessary till he is convicted, if at all.

Accordingly, the petitioner is directed to be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate court in Malda.

The petitioner will attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this Court.

CRM 7438 of 2020 along with the interim application therein stand disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)