

16-10-2020
k.b/b.r.
Item no.15
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 7489 of 2020
Johirul Gayen @ Bhundila & Ors.
-vs-
The State of West Bengal
With
CRAN 1 of 2020
(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Joynagar P.S. Case No. 945 of 2018 dated 28.09.2018 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

Mr. Uday Sankar Chattapadhyaya
Mr. Satudru Lahiri
Mr. Santanu Majhi
Mr. Priyanjit Kundu

..... for the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta ... for the State.

The advocate-on-record for the petitioners undertake to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020 is disposed of.

It is submitted by the learned advocate for the petitioners that they have been falsely implicated in this case and rather they are made scapegoat of the circumstance. It is also submitted that there are several litigations pending between the parties leading to develop inimical relationship between the parties.

Learned advocate, Mr. Gupta representing the State opposes the prayer for bail submitting that there has been commencement of the trial.

Our attention is drawn to the statement of the witness recorded under Section 164 Cr.PC, where there is no specific overt act attributable to the petitioners now seeking bail on the ground of long incarceration. There is no recovery of any weapons from any of the accused persons.

Having considered the materials already collected and bearing in mind the submissions that the petitioners are in custody for considerable period, where there is little possibility of concluding the trial in near future, we are inclined to grant bail to the petitioners.

Accordingly, we, therefore, grant bail to the petitioners subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur upon furnishing a bond of Rs.20,000/-(Rs. Twenty thousand only) with two sureties of Rs.10,000/-(Rs. Ten Thousand only) one of whom must be local and, on condition that the petitioners shall ensure their appearance on each day of trial and will not intimidate the witness in any manner whatsoever.

Accordingly, the application for bail, being CRM No. 7489 of 2020 stands disposed of.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent xerox certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Subhasis Dasgupta, J.]

[Subrata Talukdar, J.]

