

17.11.2020
SL No.11
Court No.12
(GB)

CRM 7677 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Manikchak** P.S. Case No.**168/2020** dated **30/05/2020** under Sections **498A/304B/302/34** of the Indian Penal Code subsequently charge-sheet submitted under Sections **498A/304B/34** of the Indian Penal Code.

And

In the matter of: **Barkat Ali.**

....Petitioner.

Mr. Mounick Ghosh

...for the Petitioner.

Mr. Mahim Sasmal,
Mr. Naseeb Khanjoy.

... for the Defacto Complainant.

Mr. Saswata Gopal Mukherjee,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioner is the brother-in-law of the deceased.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated. He lives in separate mess at the time of incident.

The learned Counsel for the State submits that no direct evidence is available against the petitioner with regard to the commission of offence.

The learned Counsel for the defacto complainant submits that the petitioner is one of the accused in the commission and

perpetration of the criminal offence and he opposed the prayer for bail.

Having considered the materials on record and the case diary and the omnibus allegation made against the petitioner and also having regard to the fact that the supplementary charge-sheet has already been filed, we feel that custodial interrogation of the petitioner is not required.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and to comply with the provision of Section 437(3) of the Code of Criminal Procedure and shall appear before the learned trial court on every date till the conclusion of the trial.

In the event the petitioner fails 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.

We also direct the C.F.S.L., Kolkata to make available the chemical examination report of the viscera at the earliest.

Accordingly, the application for bail being CRM 7677 of 2020 is allowed and disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)