

November 03, 2020
srn/ARDR
(Serial No. 8)
Allowed

CRM 7693 of 2020
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IA No. CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station case no. 161 of 2020 dated 01/06/2020 under Sections 304/326/308/506/34 of the Indian Penal Code and subsequently charge sheet was submitted under Sections 302/307/325/506/34 of the Indian Penal Code.

In Re : Tanmoy Bera,

... petitioner

Mr. Apan Saha,

.....for the petitioner

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee,

....for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 following an altercation with local residents there was a fight between two groups and there was no intention on the petitioner's part to maim or kill any person.

The State says that upon the petitioner being found to have violated the COVID protocol, certain persons raised objections. The petitioner and his mother were enraged and the petitioner charged at the objectors with a bamboo stick and beat a person to death. The State says that the petitioner was not subjected to any violence or assault.

The investigation has been completed and the charge sheet filed. Even though the material against the petitioner may be substantial, it does not appear that there was any pre-planned motive on the petitioner's part to kill the victim. The petitioner used a bamboo stick or rod to assault the victim, but that was on the spur of the moment and in a fit of temper. The further custodial interrogation of the petitioner may not be necessary.

The petitioner will be enlarged on bail upon furnishing security of Rs.20,000/- (Rupees Twenty thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate Court in Purba Medinipur. 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. The petitioner should also report to the Officer-in-Charge of the Police Station within whose jurisdiction the petitioner resides once a week and the petitioner will not leave the State without obtaining the previous permission of the trial Court.

CRM 7693 of 2020 and the interim application therein stand disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)