

November 03, 2020
srm/ARDR
(Serial No. 10)
Allowed

CRM 7929 of 2020
+
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 Malipanchghora Police Station case no. 208 of 2019 dated 13/10/2019 under Sections 302/34 of the Indian Penal Code.

In Re : MD. Sainul @ Jangla,

... petitioner

Mr. Soumya Basu Roy Chowdhwdhuri,

.....for the petitioner

Mr. Madhusudan Sur,

Mr. Manoranjan Mahata,

....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.

In view of a previous order of this Court on August 10, 2020 in CRM 5329 of 2020 and the petitioner standing on the same footing as the petitioners in the previous matter, the prayer for bail has to be allowed.

This was a case of mob lynching. While very little latitude should be shown in such cases when citizens seek to take the law into their own hands, since similarly placed persons have been granted bail by the previous order, this petitioner cannot be treated differently.

The petitioner will be released on bail on 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 Howrah. The petitioner will file an affidavit before the investigating officer indicating the petitioner's present residential address and the petitioner will not change such residence without the leave of the trial Court. The petitioner will also 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 7929 of 2020 and the interim application therein stand disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)