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CRM 7932 of 2020
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal P. S. Case No. 507/2019 dated 20.07.2019 under Section 363 of the IPC and Charge Sheet submitted under Sections 302/34 of the Indian Penal Code.

And

In the matter of: Krishna Pramanik & Anr.

....Petitioners.

Mr. Pradyumna Sinha
Mr. Sidhant Chowdhury

...for the Petitioners.

Mr. Rana Mukherjee
Ms. Sujata Das

...for the State.

It is submitted on behalf of the petitioners that they are in custody for a year and they have been falsely implicated in the instant case.

Case diary is placed on record. It is submitted that there is hardly any progress in the trial.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner No.1 had assaulted the victim resulted in his death.

Having considered the materials on record including the statement of the minor recorded under Section 164 CRPC, (which was subsequently reconstructed) and in view of the prima facie involvement of petitioner No.1, in the crime we are not inclined to grant bail to the

petitioner. Hence, the prayer for bail in connection with the concerned petitioner is rejected.

However, keeping in mind the role of petitioner No.2, who is a lady, in the crime and as the possibility of her false implication due to enmity cannot be wholly ruled out, we are inclined to grant bail to petitioner No.2.

Accordingly we direct that the petitioner No.2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned ACJM, Chanchal, Malda subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner No.2 fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)