

20.10.2020
suppl. 8
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CRM 8017 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belur P.S. Case No.01 of 2020 dated 01.01.2020 under Sections 302/120B/34 of the Indian Penal Code.

And

In the matter of: Shakar Chowdhury @ Sekhar Chowdhury @ Rajua
.....Petitioner.

Mr. Ayan Bhattacharya
Mr. A. Keshri
Mr. S. Mukherjee

...for the Petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...for the State.

Petitioner renews his prayer for bail. He submits that he is not the principal assailant and there is hardly any possibility of the trial concluding in the near future due to prevailing conditions.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was one of the members of the unlawful assembly and had used a bamboo stick to assault the victim and others.

Having considered the materials on record, we find that the death of the victim was due to a blow by a cement block.

In view of the extent of complicity of the petitioner in the alleged crime and as there is little possibility of the trial concluding in the near future, 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/-(Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Howrah subject to condition that the petitioners 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 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.

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

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)