

21.10.2020
Court No.03
Item No. 112
Krishnendu
Bail Granted

C.R.M. 8493 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Domjur P.S. Case No. 181 of 2020 dated 11.04.2020 under section 302 of the Indian Penal Code.

And

In Re : **Swapan Mondal**

.....Petitioner

Mr. Sandip Chakraborty

....For the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....For the State

It is submitted on behalf of the petitioner that the incident occurred in course of a sudden quarrel and was not a pre-meditated one. It is further submitted that the victim had subsequently fallen from the bed, which caused his death. He is in custody for 192 days.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner hit the victim on his head with a rod. Consequentially, he died.

Having considered the materials on record and bearing in kind the nature of allegation in the light of the submission that the incident occurred in the course of a sudden quarrel and subsequently the victim had fallen from the bed, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and 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, Howrah subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, being CRM No. 8493 of 2020, is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Abhijit Gangopadhyay, J)

(Joymalya Bagchi, J)