

DI. November
7. 18, 2020

C.R.M. 8506 of 2020

(Via Video Conference)

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 475 of 2019 dated November 5, 2019 under Sections 341/326/307/34 of the Indian Penal Code;

And

In the matter of : Uttam Kumar Barman
@ Uttam Barman ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Sudip Guha,
...for the petitioner.

Mr. Aditi Sankar Chakraborty,
Mr. Sourav Ganguly,
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week 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 out of 19 persons who have been named in the first information report, 12 have been enlarged on anticipatory bail and another has been granted regular bail. The petitioner says that there was a clash between the two groups of political activists and injuries were on either side. The petitioner claims that the police have proceeded against the petitioner in a vindictive manner.

The State refers to the injury report and says that several fractures were suffered and at least one person lost a couple of fingers. The State also emphasises on the track-record of the petitioner herein against whom several cases are pending.

There is no doubt that several cases are pending against the petitioner and he has been granted bail in a few of them. There does not appear to be any order of conviction yet. As far as the present case is concerned, the injuries referred to by the State are such as would be expected in two groups of political party's clash.

Considering the nature of the incident and even the extent of the injuries, the custodial interrogation of the petitioner may not be necessary. However, the petitioner must not leave the State without obtaining the permission of the trial court and the petitioner himself shall attend every date fixed for trial without fail. In default, the trial court will be entitled to cancel the bail without reference to this court.

The petitioner will be enlarged on bail upon furnishing security of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in Cooch Behar.

CRM 8506 of 2020 is disposed of.

(Sanjib Banerjee, J.)

ar/dns.

(Aniruddha Roy, J.)

