

**20.11.2020**

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**b.das**

**CRM 8866 of 2020**

**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bishnupur P.S. Case No.211 of 2019 dated 16.08.2019 under Sections 302/34 of the Indian Penal Code.

And

In the matter of: Madhusudan Majhi

....Petitioner.

Mr. Soumik Ganguli  
Mr. Sandip Chakraborty

...for the Petitioner.

Mr. Madhusudan Sur, APP.  
Mr. Manoranjan Mahata

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

It is submitted on behalf of the petitioner that he was in custody for over 461 days.

It is further submitted that the incident occurred without pre-meditation in course of a free fight.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner assaulted the victim with a knife. As a result, he succumbed to his injuries.

Having considered the materials on record and keeping in mind the nature of allegations in the light of the aforesaid submission made

on behalf of the petitioner and in view of the period of detention suffered by the petitioner, 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 ACJM, Bishnupur 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.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**