

10-11-2020
Prabir/Subha
Item no.14
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 9009 of 2020

Niladri Sen @ Sankar

-vs-

The State of West Bengal

(Via video-conference)

In Re: An application for bail under Section 439 CrPC in connection with Belur P.S. Case No.1 of 2020 dated January 1, 2020 under sections 302/120B/34 IPC(G. R Case No. 01 of 2020).

Mr. Kallol Mondal
Mr. Krishan Ray
Ms. Amrita Chel
Mr. Souvik Das
Mr. Anamitra Banerjee

...for petitioner.

Mr. S. S. Imam
Mr. Subrato Roy

... for State.

Advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per rules within one week of resumption of normal functioning of Court. The petition is taken up through video-conference on the basis of such undertaking.

Learned advocate for petitioner draws attention to order dated 20th October, 2020 passed by a co-ordinate Bench, to which one of us was party (Md. Nizamuddin, J.). In granting bail to a co-accused, he points out, the co-accused had assaulted with bamboo stick, while the fatal blow was caused by cement block. For that and other reasons other co-accused was granted bail. He submits that his client is similarly situate as with said co-accused granted bail.

Learned advocate appearing on behalf of State opposes the prayer for bail. He hands over case diary and refers to statement of eye-witnesses under section 164 Cr. P.C. There is specific mention of this petitioner while the other co-accused who got bail do not find such mention. He, however, does not dispute that petitioner assaulted with bamboo stick.

Considering the circumstances as above, we are inclined to grant bail to petitioner.

Accordingly, we direct that 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 satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that 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 event petitioner fails to appear before trial Court without justifiable cause, said Court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail, being CRM No. 9009 of 2020, is disposed of.

[Arindam Sinha, J.]

[Md. Nizamuddin, J]

