

20.11.2020.

Item No. 16

ap

**C.R.M. 9257 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.11.2020 in connection with Sitalkuchi Police Station Case No. 30 of 2020 dated 26.02.2020 under Sections 447/323/325/307/354/506/34/302 of the Indian Penal Code.

And

In the matter of: Pradip Barman & Anr. ...Petitioners

Ms. Suman Sehanabis (Mandal). ...For the petitioners

Mr. Aditi Shankar Chakraborty, Ld. Addl. Public Prosecutor
Mr. Ujjwal Luksom,
Mr. Abhijit Sarkar.For the State

The petitioners undertake to affirm and stamp the petition as per Rules within one week of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioners claim that there was a clash between two groups of persons and injuries were suffered on either side and one of the members of the rival group later succumbed to his injuries. According to the petitioners, there was no intention on the petitioners' part to kill any person since the petitioners are alleged to have carried bamboo sticks. The petitioners say that since they have been custody for more than 200 days and the charge-sheet has already been filed, no useful purpose would be served in their further detention.

The State refers to the statement of an eyewitness. According to such witness, who claims to have been a

neighbour of the victim, he heard the cries of the victim and rushed to the spot to find these two petitioners and another mercilessly beating up the victim.

There is sufficient material to suggest that these two petitioners may have been the principal assailants. As to the petitioners' contention that they had not intended to kill anybody, it must not be forgotten that bamboo sticks can be lethal weapons and are known to have been used as murder weapons. Further, contrary to the petitioners' assertion that two groups of persons clashed, it appears that these petitioners or their associates attacked the victim and beat him up mercilessly.

Considering the gravity of the offence and the brutality on the part of these petitioners, their prayer for bail is declined.

CRM 9257 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)