

26.11.2020

Ct. No. 16

Item no. 03

CRM 9335 of 2020

(Via Video Conference)

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In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Malbazar Police Station Case no. 372 of 2020 dated 18.10.2020 under Sections 341/324/307/427/506 of the Indian Penal Code.

And

In the matter of : **Bikash Roy**

...Petitioner

Mr. Jaydeep Kanta Bhowmik.

...For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Tapan Bhattacharyya.

...For the State.

The Advocate on record of the petitioner undertakes to affirm and stamp the petition/ application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioner was apprehended in connection with the Malbazar Police Station Case no. 372 of 2020 registered on 18.10.2020 under Sections 341/324/307/427/506 of the Indian Penal Code.

It is alleged that the accused assaulted the victim by sharp cutting weapon and threatened him to kill, but due to intervention of the local peoples, the incident could be avoided. However, during such scuffle the accused fell on the ground and suffered injury on the chest. As many as seven persons appear to have been cited as the witnesses and their statements were recorded including the statement of the accused.

However, the learned Counsel for the State submits that the charge sheet has been submitted having found the accused, prima facie, guilty of the offences as indicated above including the offence under Section 307 of the Indian Penal Code.

After perusing the statements made by the accused, it does not appear that he suffered any grievous injury because of the

sharp weapon allegedly possessed by him. Even the Doctor, who treated the accused, did not find any grievous injury. The investigation is complete and the charge sheet has been submitted on 11.11.2020. We do not find that further custodial detention of the accused is necessary in this case.

As indicated above, since we do not find that the accused suffered any grievous injury, we are inclined to release the petitioner on bail.

Accordingly, The petitioner, namely **Bikash Roy**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Jalpaiguri subject to the condition that the petitioner shall attend the Court on each day of hearing and in the event of solitary default without any plausible reasons, it is open to the learned Judge to cancel the bail without any further reference to this Court.

The application for bail, being **CRM 9335 of 2020**, is thus **allowed**.

(Harish Tandon, J)

(Hiranmay Bhattacharyya, J)