

04.12.2020
Court No.3
SL No.18
AP

CRM 9544 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Balurghat** P.S. Case No.**538 of 2019** dated **28.10.2019** under Sections **341/448/323/302/506/34** of the Indian Penal Code.

And

In the matter of: **Poli Barman**

....Petitioner.

Ms. Busra Khatun,
Mr. Kaushik Choudhury

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De

...for the State.

It is submitted on behalf of the petitioner that he is in custody for about 124 days and investigation is complete. It is also submitted that there is enmity between the families and she has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner was present with arms at the place of occurrence and had assaulted the victim.

We have considered the materials on record. In view of the pre-existing enmity between the families there is possibility that the womenfolk of the family i.e. the petitioner and others were also implicated in the assault. In view of the aforesaid fact and keeping in mind the period of detention already suffered by the petitioner and as the investigation is complete, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat

subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, 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.)