

C.R.M. 9715 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur P.S. Case No. 154 of 2020 dated 14.07.2020 under sections 341/325/326/307/302/34 of the Indian Penal Code.

And

In the matter of : Babar Ali Mondal alias Babur Ali Sk Mondal

Mr. Sayan Mukherjee

... ... for the petitioner

Mr. Madhusudan Sur, APP

Mr. Manoranjan Mahata

... ... for the State

It is submitted on behalf of the petitioner that he is not the principal assailant. He is in custody for 152 days.

Learned lawyer for the State refers to a statement of the deceased before the doctor naming the petitioner.

Statements of witnesses including the injured witness/de facto complainant do not attribute the principal role of assault on the deceased to the petitioner. Other statements merely refer to exhortation made by the petitioner.

In view of the dichotomy in the purported statement of the deceased on one hand and the statements of eye-witnesses under sections 161/164 Cr.P.C. with regard to the role of the petitioner in the alleged crime and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia subject to the condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so 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, 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.)