

C.R.M. 9720 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 English Bazar P.S. Case No. 298 of 2020 dated 10.04.2020 under sections 341/302/34 of the Indian Penal Code.

And

In the matter of : Kabul Sk

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... ... for the petitioner

Mr. Rana Mukherjee, APP
Ms. Sujata Das

... ... for the State

It is submitted on behalf of the petitioner that the deceased had committed theft and assaulted a person in the locality. Over such incident there was commotion in the village and the petitioner has been falsely implicated in the instant case.

Learned lawyer for the State submits that the deceased was subjected to assault by petitioner and other accused persons.

We have considered the materials on record. Allegations against the petitioner are general and omnibus and possibility of false implication owing to prior enmity cannot be ruled out.

Under such circumstances including 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, Malda 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.)