

17.12.2020.
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(Allowed)

C.R.M. 9770 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P. S. Case No.229 of 2020 dated 23.05.2020 under Sections 304/34 of the Indian Penal Code.

In the matter of : Sri Sushil Debnath & Anr.
.... Petitioners.

Ms. S. Bhattacharyya.
...for the Petitioners.

Mr. Rana Mukherjee, Id. A.P.P.,
Ms. Sujata Das.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioners that there is delay in lodging the first information report. Incident occurred in the course of a sudden altercation. It was not premeditated

Learned Advocate appearing for the State opposes the prayer for bail and submits that the victim succumbed to his injuries. Allegation with regard to assault on the victim may be assessed in the light of the aforesaid submission made on behalf of the petitioner.

In view of the facts and circumstances of the case including the period of detention suffered by the petitioners and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the petitioners 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application, being C.R.M. 9770 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)