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CRM 9903 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khanakul P.S. Case No.201 of 2020 dated 26.08.2020 under Sections 304/448/427 of the Indian Penal Code.

And

In the matter of: Ganesh Dolui @ Gonu Dolui

....Petitioner.

Mr. Niladri Sekhar Ghosh
Ms. S. Mukherjee

...for the Petitioner.

Ms. Z.N Khan
Ms. S. Das

...for the State.

It is submitted on behalf of the petitioner that there is no direct evidence connecting him with the alleged murder. He is in custody for 70 days. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that there is prior enmity and petitioner had earlier assaulted the deceased.

We have considered the materials on record and there are materials showing previous enmity and/or altercation between the parties. However, in the facts and circumstances of the case and as there is no direct eye witness to the incident of assault and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall 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 ACJM, Arambagh, Hooghly subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court 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, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)