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CRM 10130 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur P.S. Case No.121 of 2020 dated 07.06.2020 under Sections 447/448/323/325/307/302/506/34 of the Indian Penal Code.

And

In the matter of: Gourhari Jana & Anr.

....Petitioner.

Mr. Ranadeb Sengupta
Mr. S. Talukdar

...for the Petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

It is submitted on behalf of the petitioner that the dispute arose between the parties over non-compliance of covid protocol. Petitioner is not the principal assailant and he is in custody for 182 days. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner and other accused persons assaulted the victim who subsequently died. Statements of witnesses disclose the presence of the petitioner at the place of occurrence. However, he does not appear to be the principal accused.

Having considered the materials on record and in view of the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him and as the incident occurred in course of a sudden altercation, we are of the opinion that petitioner may be granted bail.

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 Judge, Sessions Court, Purba Medinipur, Tamluk subject to condition that the petitioner 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.)