

10.12.2020
Sl. No.34
akd
[ALLOWED]

C. R. M. 10184 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.11.2020 in connection with Hemtabad Police Station Case No. 188 of 2020 dated 12.09.2020 under Sections 448/323/324/326/307/354/34 of the Indian Penal Code. (G.R. Case No.1670 of 2020)

And

In Re: **Indrajit Sarkar**

... .. Petitioner

Mr. Sudip Guha .. Advocate

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Soumik Ganguli .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 89 days. It is further submitted that the incident occurred in course of a land dispute and without premeditation.

Learned advocate appearing for the State opposes the prayer for bail and submits that a number of victims were injured.

We have considered the materials on record. Allegation of assault may be assessed in the light of the aforesaid submission made on behalf of the petitioner. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Indrajit Sarkar**, 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 Chief Judicial Magistrate, Uttar Dinajpur at Raiganj subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)