

11.12.2020
Court No.28
SL No.26
AP

CRM 10247 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kashipur** P.S. Case No.**286 of 2019** dated **02.09.2019** under Sections **448/326/307/34/302** of the Indian Penal Code.

And

In the matter of: **Jiban Gayen @ Jiban Gain**

....Petitioner.

Mr. Sandipan Maity

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. C.R. Ghosh

...for the State.

It is submitted on behalf of the petitioner that he is in custody for about 468 days and co-accused persons have been granted bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. In view of the facts and circumstances of the case and as the incident appears to have occurred in the course of a free fight without premeditation and as the co-accused persons have been granted bail, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any 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.)