

18.12.2020
65
Sdas
allowed

**CRM 10560 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 260 of 2020 dated 05.06.2020 under Section 302 of the Indian Penal Code.

And

In Re : Gokul Mandal petitioner

Mr. Kausik Biswas

.....for the petitioner

Mr. Rana Mukherjee, learned A.P.P.

Ms. Sujata Das

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the incident occurred due to a sudden altercation. Victim had intervened in the course of a domestic quarrel. Petitioner is in custody for six months.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the victim suffered human bites and was hospitalised. He died on the next date.

Allegation of murder may be assessed in the light of the aforesaid submission relating to a sudden altercation. No weapon was used by the petitioner.

Under such circumstances and the period of detention already suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of

like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the 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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)