

125 13.01.2020
ss Allowed

C.R.M. 200 of 2020

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 07.01.2020 in connection with Falakata P.S. Case No. 419 of 2019 dated 10.08.2019 under sections 302/201/34 of the Indian Penal Code.

And

In the matter of : Dhoul Roy & Anr.

Mr. A. Banerjee

... .. for the petitioners

Mr. Neguive Ahmed, APP

Mr. Anwar Hossain

Ms. A. Roy

... .. for the State

It is submitted on behalf of the petitioner that the victim was a drunkard and used to assault his mother.

Learned counsel appearing for the State opposes the prayer for bail and submits that the victim was murdered by the petitioners.

We have considered the materials on record and bearing in mind the nature of allegations in the light of the submission relating to the conduct of the victim and the circumstances attending the incident, we are of the opinion that in the facts and circumstances of the case and the period of detention suffered by the petitioners, that is 160 days and as the incident does not appear to be a premeditated one, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar, Jalpaiguri subject to the condition that the petitioners 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 the petitioners fail to do so without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)