

20.04.2021
Court No.28
Item No. 10
Krishnendu
Partly Bail

**CRM 1585 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in Court on 5th February, 2021 in connection with Jangipara Police Station Case No. 8 of 2021 dated 08.01.2021 under sections 147/148/149/323/325/304/504/506/120B of the Indian Penal Code;

And

In Re: **Nafisa Khatun @ Napisa Khatun @ Ashh & Ors.**
Petitioners

Mr. Himangshu De
Mr. Rafikul Islam Sardar

For the Petitioners

Mr. Binay Panda
Mrs. Puspita Saha

For the State

The learned advocate for the petitioners submits that there was a previous dispute between the petitioners and the family of the deceased. The present incident occurred out of a hot haste and there are counter-cases also between the parties.

The learned advocate appearing for the State vehemently opposes the petitioners' prayer for bail and draws the attention of this Court to the statements of the witnesses.

We have perused the materials in the case diary. The complicity of each of the petitioners has also been taken into account. We find that the petitioner nos. 1 and 2 happen to be ladies and the petitioner nos. 3, 4 and 5 were present during the incident. However, there are overt acts of assault by the petitioner no. 6. Having regard to the nature of the offence complained of, we are inclined to release the petitioner nos. 1,2,3,4 and 5.

Accordingly, we direct that the petitioner nos. **1, 2, 3, 4** and **5**, namely, **Nafisa Khatun @ Napisa Khatun @ Ashh, Rajia Begum @ Rajiya Begam, Sk. Lalchand, Sk. Gulsan** and **Momtaj Mallick @ Momtaj Ali Mallick**, 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, Serampore, Hooghly and on further conditions that the petitioner nos. 1, 2,3, 4 and 5, if are released on bail, shall not leave the jurisdiction of Jangipara Police Station without the leave of the learned Additional Chief Judicial Magistrate, Serampore or the learned trial court, except for attending the trial court on the dates fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner nos. 1, 2, 3, 4 and 5 fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the bail of the petitioner nos. 1, 2, 3, 4 and 5 without any further reference to this Court.

So far as the prayer for bail of the petitioner no. 6, **Soleman Mallick**, is concerned, the same is rejected.

The investigating officer of the case is present in Court. His further appearance before this Court is dispensed with.

With the aforesaid observations, the application for bail, being CRM No. 1585 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)