

03.06.2021
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(Via Video Conference)
C.R.M. 1832 of 2021

Jalal Mondal
-Vs.-
State of West Bengal

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.517 of 2020 dated 10.12.2020 under Sections 448/326/307/354(B) of the Indian Penal Code.

Ms. Minoti Gomes
Mr. Partha Sarathi Das

..... For the Petitioner

Mr. Nirupam Dhali
Mrs. Sukanya Bhattacharya

..... For the State

Learned counsel for the petitioner submits that the petitioner had surrendered before the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia on 21.12.2020 after the incident allegedly occurred on 10.12.2020 in connection with Dhantala Police Station Case No.517 of 2020 dated 10.12.2020 under Sections 448/326/307/354(B) of the Indian Penal Code.

It is pointed out that one Sahadat Mondal had tried to outrage the modesty of one Tanuja Khatun Mondal wife of the petitioner for which the petitioner had a quarrel which turned into a fight between the two families and this case is the product of counter-case as the parties are co-sharers and there is long standing land dispute between them. The allegation against the petitioner is that he had inflicted

injury on head by bamboo stick. It is further contended that the petitioner is in jail custody for the 164 days and the charge-sheet has been submitted in the instant case and custodial trial is not required in this case. In order to show that a counter-case is pending, a copy of an application under Section 156(3) of the Code of Criminal Procedure is annexed as Annexure – “P/1” but no further development in the investigation has been shown before us.

However, having considered the case diary and the injury report with the statement of that of the injured at page 16 and the eye witness at page 11, although, there is allegation of grievous hurt inflicted on the head of the victim as per the statement made before the Doctor and the description of the cut injury shown as 8-10 cm on middle head, but, there is no reflection in the case diary as to whether injured was at all admitted in hospital for further management or not. It is candidly stated on behalf of the State that there is no report as to the further management of the injury on the head being done.

We have heard learned counsel for the petitioner and Mr. Nirupam Dhali, learned counsel for the State. We are of the view, that custodial interrogation of the petitioner is not necessary inasmuch as the fact of case and counter-case between the two parties and are at loggerhead because of long-standing land dispute and further to dilute congregation in the jail premises in the present pandemic situation due to Covid-19 second wave, we are inclined to admit the accused-petitioner on bail.

Accordingly, we direct that the petitioner be enlarged on bail upon furnishing bond of Rs.5,000/- (Rupees Five Thousand Only) with two sureties (fit) to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, District - Nadia on condition that he would attend the learned Trial Court on the schedule dates for trial.

Thus, the application for bail is accordingly allowed. Consequently, C.R.M. 1832 of 2021 is disposed of.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)