

CRM No.1866 of 2021
(Via video conference)

01.06.21

(S.R.)

Sl.13

Ct.28

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Kumarganj** Police Station Case **No.125 of 2020** dated **27.08.2020** under Sections **341/326/307/34** of the Indian Penal Code (G.R. Case **No.792 of 2020**);

And

In re: Subal Chandra Sarkar @ Barman

... petitioner.

Mr. Jayanta Narayan Chatterjee

Ms. Busra Khatun

Mr. Kaushik Chaudhury

... for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Arijit Ganguly

Mr. Subrato Ray

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged incident occurred in fit of anger without intending consequences to actually follow. Co-accused persons, similarly situated with the petitioner, had already been enlarged on bail. Upon completion of investigation charge sheet has also been filed on 30th April, 2021 and as such, further detention of the petitioner, who is in custody for about 228 days, is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and submits that in view of the injury caused, no relief should be granted to the petitioner.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Records reveal that the petitioner's prayer for bail was last rejected about four months earlier on 30th January, 2021. Co-accused persons, similarly situated with the petitioner, had already been

enlarged on bail.

Considering the nature of allegations and the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted, moreso when upon completion of investigation charge sheet has already been filed.

Accordingly, the petitioner, namely, **Subal Chandra Sarkar @ Barman**, 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 Chief Judicial Magistrate, **Dakshin Dinajpur, Balurghat** subject to condition that the petitioner shall reside outside the jurisdiction of **Kumarganj** Police Station except for the purpose of attending the trial court on the dates fixed for hearing. The petitioner shall immediately intimate the address where he would be residing to the officer-in-charge of the **Kumarganj** police station within 10th of June, 2021.

The petitioner is also directed to attend the learned trial court on all the dates as specified for hearing.

It is made clear that in the event the petitioner does not comply with the aforesaid conditions, without justifiable cause, the learned trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

Accordingly, the application for bail being CRM No.1866 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.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)