

21.06.2021
Court No. 28
Item No. 19
(Allowed)

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C.R.M. No. 2187 of 2021

(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Singur Police Station Case No. 384 dated 23.12.2019 under Sections 302/34 of the Indian Penal Code.

And

In the matter of : **Raj Kumar Majhi.**

... Petitioner.

Mr. Suman Chakraborty.

... For the Petitioner.

Mr. N. Ahmed,
Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Singur Police Station Case No. 384 dated 23.12.2019 under Sections 302/34 of the Indian Penal Code.

Learned Advocate for the petitioner submits that petitioner is the unfortunate son of the deceased father/victim, who under drunken condition returned home, and indulged in quarrelling with his mother, when the petitioner simply tried to separate his father from his mother giving a simple push to his father, and in consequence thereof his father succumbed ultimately. It is thus submitted that the petitioner has become a victim of circumstances without having his requisite

intention to kill his father. Petitioner is in custody for about 544 days, and his mother, another co-accused has already been enlarged on bail.

Learned Advocate representing the State raises objection against the prayer for bail submitting that the charge-sheet has been submitted in this case, and there is sufficient materials available in the Case Diary including the statement recorded under Section 164 of the Code of Criminal Procedure, revealing the role played by the petitioner in the alleged crime.

We have considered the materials already collected in the Case Diary, including the statement of the witness recorded under Section 164 of the Cr.P.C., wherein there is reflection that the petitioner/son tried to separate his father while quarrelling with his mother, giving a push to him, which lead to death of his father. The deceased victim is learnt to be a habitual drunker, and he used to quarrel with mother of the petitioner very often after returning home after completion of his day's work. The mother of the petitioner is now on bail.

Since presence or absence of required intention of petitioner to kill his father, while quarrelling with the mother of the petitioner, is the key factor for decision in trial in the instant alleged crime, which in our view may be best decided during the trial upon appreciating the facts and circumstances already revealed during investigation, but to facilitate such decision further detention is not justified.

Accordingly, the petitioner, **Raj Kumar Majhi** be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten

Thousand), with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to the condition that the petitioner shall ensure his appearance before the Trial Court on each date of hearing so that proceeding of Court is not disturbed in any manner whatsoever, and in default, without any justifiable reasons, necessary order may be followed by the Trial Court without any reference to this Court.

This application for anticipatory bail, being C.R.M. No. 2187 of 2021, is, thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)