

16.08.2021
Item no. 29
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2247 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Gangnapur Police Station Case No. 59 of 2020 dated 20.08.2020 under Sections 341/325/307/506/34 adding Section 302 of the Indian Penal Code.

And

In the matter of : Prashanta Mandal @ Prasanta Mandal @

Basu.

.....Petitioner.

Ms. Sananda Bhattacharyya,

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick, Advocate,

.....for the State.

The petitioner is one of the five accused persons. The allegation is that geese belonging to the husband of the defacto complainant entered the land of the petitioner. Altercation took place. The husband of the defacto complainant sustained injuries to which he succumbed subsequently.

We have seen the material in the case diary including the Post Mortem Report that says that there was no significant external injury on the body excepting some

abrasions. It further says that the cause of death cannot be said until after better examination.

We find that four of the five accused persons have been granted anticipatory bail by the learned Court below primarily taking into consideration the nature of injury sustained by the victim. The charge sheet has been filed. The petitioner is in custody for 361 days.

On consideration of the material on record and the nature of the allegation as also the extent of possible complicity of the petitioner in the alleged offence and also that charge sheet has already been filed, we are of the view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)