

117 10.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2581 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari P.S. Case No. 195 of 2019 dated 06.06.2019 under Sections 341/326/307/506 of the Indian Penal Code.

And

In the matter of: Palanu Sk. @ Palonu

....petitioner.

Mr. Mritunjoy Chatterjee,
Mr. Ashim Debnath

...for the petitioner.

Ms. Zarin N. Khan,
Ms. Sreeparna Das

...for the State.

Application under Section 439 CrPC has been filed by the petitioner on the ground that the charge-sheet has been submitted and there is no possibility of commencing trial.

It appears from the fact that the petitioner has been charged with causing grievous hurt to his son-in-law over a dispute with regard to setting up a shop.

This Court having considered the entire facts of the case and the fact that the trial may not commence immediately the application for bail under Section 439 CrPC is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing Bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition

that the petitioner shall not enter the jurisdiction of the police station except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the I.O. and if he does not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioner fails to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)