

19.07.2021

Court No.28
Item No.05
(Allowed)

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CRM 2750 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No. 569 of 2020, dated 27.10.2020 under Sections 341/326/307/34 of the Indian Penal Code;

And

In the matter of : **Gosaidas Sikdar.**

...Petitioner

Mr. Prabir Majumder,
Mr. Snehansu Majumder.

...For the Petitioner

Ms. Zareen N. Khan,
Mr. Bitasok Banerjee.

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Hanskhali Police Station Case No. 569 of 2020 under Sections 341/326/307/34 of the Indian Penal Code.

According to the petitioner, he is a victim of circumstances and has been implicated in connection with the instant case as counter-blast to his complaint lodged with the police station over the alleged incident. It is further submitted that the police without taking any action on the complaint lodged by the petitioner have proceeded to arrest the petitioner, who is aged about 81 years and is languishing in jail for nearly 254 days.

The State opposes the prayer for bail. It is submitted that the petitioner is actively involved in the alleged commission of offence, which would be evident from the injury report annexed to the case diary.

After hearing the respective Counsels our attention is drawn to the fact that two persons, who allegedly suffered injury, lodged

separate complaints and on the basis thereof separate police cases were initiated on the self-same incident. The petitioner had already been released on bail in connection with the complaint lodged by the other injured persons on 3rd June, 2021 in CRM 2489 of 2021.

We had an occasion to peruse the case diary of the case pertaining to Hanskhali Police Station Case No. 571 of 2020 containing the injury report and after scanning the same contained in the said case diary and the injury report annexed in the case diary of the instant case, we do not find any material changes.

Since the petitioner had already been enlarged on bail in connection with the Hanskhali police case no. 571 of 2020, we do not find any justification in keeping the petitioner in custody in connection with the instant police case.

In view of the above, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner, **Gosaidas Sikdar**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), 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, on condition that the petitioner shall meet the Officer-in-Charge of Hanskhali Police Station once in a fortnight on and from 8th June, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event he fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM 2750 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)

